

EXHIBIT B.23

Page 230

1 MARK I. SOKOLOW, et al., * IN THE UNITED STATES
2 Plaintiffs, * DISTRICT COURT
3 vs. * FOR THE SOUTHERN
4 THE PALESTINE LIBERATION * DISTRICT OF NEW
5 ORGANIZATION, et al., * CIVIL ACTION NO.:
6 Defendants, * 04cv397 (GBD) (RLE)

7 * * * * *

8 VOLUME II of II

9 DEPOSITION OF:

10 DR. MATTHEW LEVITT,
11 was held on Wednesday, September 25, 2013,
12 commencing at 10:37 a.m., at Miller & Chevalier,
13 655 15th Street, N.W., Suite 900, Washington,
14 D.C., before Cheryl Jefferies, Certified
15 Shorthand Reporter.

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	<p>Page 231</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the PLAINTIFFS:</p> <p>4 BRIAN HILL, ESQ.</p> <p>5 KARA SCHMIDT, ESQ.</p> <p>6 ANDY WISE, ESQ.</p> <p>7 MILLER & CHEVALIER CHARTERED</p> <p>8 655 15th Street, N.W.</p> <p>9 Suite 900</p> <p>10 Washing, D.C. 20005</p> <p>11 (202) 626-6014</p> <p>12 E-mail: Bhill@milchev.com</p> <p>13</p> <p>14 On behalf of the DEFENDANTS:</p> <p>15 PHILIP W. HORTON, ESQ.</p> <p>16 ARNOLD & PORTER, LLP</p> <p>17 555 Twelfth Street, N.W.</p> <p>18 Washington, D.C. 20004</p> <p>19 (202) 942-5787</p> <p>20 E-mail: Philip_Horton@aporter.com</p> <p>21</p>	<p>Page 233</p> <p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 199 "Woman dies in W. Bank; Arafat 315 wants truce violators stopped" from Haaretz.com</p> <p>4 200 Report entitled "The 'Al Aqsa 324 Martyrs Brigades' (on US State Department list of terror organizations) and the Fatah Organization are one and the same, and Yasser Arafat is their leader and commander"</p> <p>5 201 Report entitled "The Palestinian 338 Authority Employs Fatah Activists Involved in Terrorism and Suicide Attacks"</p> <p>6 202 Letter dated 2/6/2002, Subject: 346 The general situation/state of the Fatah Militias</p> <p>7 203 Report entitled "The Involvement 351 of Arafat, PA Senior Officials and Apparatuses in Terrorism against Israel, Corruption and Crime"</p> <p>8 204 Report entitled "The Cooperation 369 Between Fatah and the PA Security Apparatuses with PIJ and Hamas in the Jenin Area"</p> <p>9 205 Report entitled "The Involvement 393 of Arafat, PA Senior Officials and Apparatuses in Terrorism against Israel, Corruption and Crime"</p>
	<p>Page 232</p> <p>1 I-N-D-E-X</p> <p>2 Deposition of Dr. Matthew Levitt - Volume II</p> <p>3 September 25, 2013</p> <p>4 EXAMINATION BY: PAGE:</p> <p>5 Mr. Hill 236</p> <p>6 EXHIBITS: PAGE:</p> <p>7 191 E-mail exchange between Dr. 237 Levitt and Rachel Weiser</p> <p>8 192 Lawfare: Fighting Back 243</p> <p>9 193 U.S. State Department cable 248 via WikiLeaks</p> <p>10 194 "Worrisome Findings on Decision- 256 Making" from Haaretz.com</p> <p>11 195 Report entitled "Jenin, The 261 Capital of the Palestinian Suicide Terrorists"</p> <p>12 196 Report entitled "The 'Al Aqsa 288 Martyrs Brigades' (on US State Department list of terror organizations) and the Fatah Organization are one and the same, and Yasser Arafat is their leader and commander"</p> <p>13 197 Document from Newsmine.org 296</p> <p>14 198 Report entitled "Palestinian 302 Authority Captured Documents, Main Implications"</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>	<p>Page 234</p> <p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 206 "Arafat orders crackdown on 395 cease-fire violators" from Haaretz.com</p> <p>4 207 Report entitled "A Captured 407 Document Showing that in Bethlehem the Fatah (Under its Various Names) and the PA Intelligence Apparatuses Maintain a Regime of Oppression Based on Intimidation, Extortion, Unwarranted Arrests and Abuse of the Local Christian Population</p> <p>5 208 Article entitled "Israel Kills 418 Key Commander of Humans in Helicopter Raid; Attack Could Hurt U.S. Peace Effort on Eve of Envoys' Arrival"</p> <p>6 209 "U.S. dubs Al Aqsa Brigades 424 terrorist" from Haaretz.com</p> <p>7 210 Report entitled "Patterns of 430 Global Terrorism 2002"</p> <p>8 211 "Currently listed entities" 436 from Canada</p> <p>9 212 "Arafat ordered Hamas attacks 438 against Israel in 2000" from The Jerusalem Post</p> <p>10 213 "Bush Says Palestinians Will 443 Lose Aid if They Keep Arafat" from The New York Times</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

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MATTHEW LEVITT DEPOSITION

September 25, 2013

Sokolow v. the PLO

<p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 214 "Arafat: End all attacks on 446</p> <p>4 Israel, Under pressure to halt</p> <p>5 terror; Palestinian leader makes</p> <p>6 plans"</p> <p>7 215 "Arafat urgess militants to halt 446</p> <p>8 attacks on Israel" from the</p> <p>9 Baltimore Sun</p> <p>10 216 "The Palestinian Leadership 448</p> <p>11 Declare a State of Emergency</p> <p>12 Throughout the Palestinian</p> <p>13 Territory"</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>(Original exhibits retained by counsel.)</p>	<p>1 Q. Did you write every word in that</p> <p>2 report?</p> <p>3 A. Yes, I did.</p> <p>4 MR. HILL: Let's mark this one,</p> <p>5 please.</p> <p>6 (Defendant's Deposition Exhibit Number</p> <p>7 191 was marked for identification.)</p> <p>8 BY MR. HILL:</p> <p>9 Q. Dr. Levitt, we're showing you what</p> <p>10 we've marked as Exhibit Number 191. Is that your</p> <p>11 e-mail address?</p> <p>12 A. That's one of them, yes.</p> <p>13 Q. Did you, in fact, have the e-mail</p> <p>14 exchange with someone named Rachel Weiser that's</p> <p>15 depicted on Exhibit 191?</p> <p>16 A. I don't remember the e-mail, but, yes,</p> <p>17 this is from my e-mail, and this is with Rachel.</p> <p>18 Q. All right. And you'll see that the</p> <p>19 e-mails are dated on March 23rd of this year,</p> <p>20 correct?</p> <p>21 A. Yes.</p>
<p>1 P-R-O-C-E-D-I-N-G-S</p> <p>2 WHEREUPON --</p> <p>3 DR. MATTHEW LEVITT,</p> <p>4 a Witness called for examination, having been</p> <p>5 previously duly sworn, resumed his testimony as</p> <p>6 follows:</p> <p>7 THE REPORTER: You're reminded that</p> <p>8 you're still under oath.</p> <p>9 THE WITNESS: Yes, ma'am.</p> <p>10 EXAMINATION (cont'd.)</p> <p>11 BY MR. HILL:</p> <p>12 Q. Dr. Levitt, did you speak to anyone</p> <p>13 about your testimony between the time we recessed</p> <p>14 last night and right now?</p> <p>15 A. I did not.</p> <p>16 Q. If you could find your report, which</p> <p>17 has been previously marked as Exhibit 182.</p> <p>18 A. Is this my stack here?</p> <p>19 Q. Yes, sir. What portions of that</p> <p>20 report did you write?</p> <p>21 A. I wrote all of it.</p>	<p>1 Q. And if you'll look at the last page of</p> <p>2 Exhibit 182, which is your report, it bears your</p> <p>3 signature dated March 22nd of 2013. Do you see</p> <p>4 that, sir?</p> <p>5 A. I do.</p> <p>6 Q. And you, in fact, signed that on March</p> <p>7 22nd, right?</p> <p>8 A. Yes.</p> <p>9 Q. If you'll see in the text of Ms.</p> <p>10 Weiser's e-mail at the bottom, she says, "Oh, I</p> <p>11 also need to include a statement of the</p> <p>12 compensation to be paid for your report and</p> <p>13 testimony in this case. The report was</p> <p>14 \$5,000.00. What is your hourly rate for</p> <p>15 testimony in court?" Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then you responded on March 23rd,</p> <p>18 it looks like maybe the time is cut off, "Rachel,</p> <p>19 yes, that's the fee for this report. My fee for</p> <p>20 testimony is \$400/hour." Do you see that?</p> <p>21 A. Yes.</p>

3 (Pages 235 to 238)

<p style="text-align: right;">Page 239</p> <p>1 Q. Okay. Do you know why Ms. Weiser was 2 e-mailing you on the 23rd indicating that she 3 needed to include a statement of the compensation 4 to be paid for your report and testimony in the 5 case?</p> <p>6 A. I don't remember the details. It's 7 possible that I was on travel, I travel a lot, or 8 out of the office for some reason and hadn't 9 included it in the Scope of Engagement, and 10 didn't realize that I was supposed to have, and 11 so she might have added that in under the Scope 12 of Engagement. Not, obviously, under my Opinions 13 or Findings, but in terms of what is legally 14 required to be in here.</p> <p>15 Q. Okay. So on the first page of 182, 16 the last sentence under Scope of Engagement does 17 say, "My hourly rate for providing testimony is 18 \$400.00 per hour," right?</p> <p>19 A. Correct.</p> <p>20 Q. And you're now thinking that maybe Ms. 21 Weiser wrote that?</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. You mentioned yesterday that you were 2 first contacted by someone named Nitsana 3 Darshan-Leitner about working on this case, 4 right?</p> <p>5 A. Again, I don't remember if I said that 6 I was first contacted by her but that I was 7 working for her firm. It might have been someone 8 else in her firm or her husband who works with 9 her. But, yes, I think it was their firm.</p> <p>10 Q. For the record, what is her husband's 11 name?</p> <p>12 A. Avraham -- Abraham in English. 13 A-V-R-A-H-A-M. He goes by Avi, A-V-I.</p> <p>14 Q. And you mentioned Ms. 15 Darshan-Leitner's firm. What is the name of her 16 firm?</p> <p>17 A. It's Hebrew, so I'll spell it. Don't 18 worry. Shurat, S-H-U-R-A-T, HaDin, capital 19 H-A-D-I-N.</p> <p>20 Q. Okay. And does Rachel Weiser also 21 work for Shurat HaDin?</p>
<p style="text-align: right;">Page 240</p> <p>1 A. It's possible she added that in.</p> <p>2 Q. Do you know if any other changes were 3 made to your report after you signed it on March 4 22nd, 2013?</p> <p>5 A. Not to my knowledge, no.</p> <p>6 Q. Have you retained a copy of your 7 report before it was modified by Ms. Weiser?</p> <p>8 A. I don't know.</p> <p>9 Q. All right. Have you sent a bill for 10 your work on this case?</p> <p>11 A. If I recall, I sent one bill for, I 12 think it was the 5,000, and there is a pending 13 invoice that will go out when we're done with 14 this deposition. I understand part of that goes 15 to you and part of that goes to them.</p> <p>16 Q. Have you been paid anything for your 17 work on this case?</p> <p>18 A. I'm pretty sure I've been paid the 19 5,000, yes.</p> <p>20 Q. Was that a check or a wire?</p> <p>21 A. It would have been a wire.</p>	<p style="text-align: right;">Page 242</p> <p>1 A. Yes.</p> <p>2 Q. In fact, what we've marked as Exhibit 3 Number 191, it says at the top, "Work/Shurat 4 HaDin," correct?</p> <p>5 A. That's right.</p> <p>6 Q. And you've done work for Shurat HaDin 7 on other matters, right?</p> <p>8 A. I have.</p> <p>9 Q. Are you familiar with a term called 10 lawfare, L-A-W-F-A-R-E, all one word?</p> <p>11 A. I am.</p> <p>12 Q. What does that mean?</p> <p>13 A. It's an idea that people try and 14 stymie -- either debated an issue or intimidate 15 someone from investigating an issue by drowning 16 them in frivolous lawsuits.</p> <p>17 Q. And are you aware whether Shurat HaDin 18 engages in lawfare?</p> <p>19 MR. HORTON: Object to the form.</p> <p>20 A. Not to my knowledge, they do not.</p> <p>21 Q. Have you ever visited Shurat HaDin's</p>

<p style="text-align: right;">Page 243</p> <p>1 website?</p> <p>2 A. I don't think I have.</p> <p>3 MR. HILL: Let's mark this as the next</p> <p>4 exhibit, please.</p> <p>5 (Defendant's Deposition Exhibit Number</p> <p>6 192 was marked for identification.)</p> <p>7 BY MR. HILL:</p> <p>8 Q. We've handed you what's been marked as</p> <p>9 Exhibit Number 192, which you'll see at the top</p> <p>10 left has the words, "Shurat HaDin, Israel Law</p> <p>11 Center." Do you see that, sir?</p> <p>12 A. I do.</p> <p>13 Q. And you'll see that the first word in</p> <p>14 the center column there is, "Lawfare: Fighting</p> <p>15 Back." Do you see that, sir?</p> <p>16 A. Yes.</p> <p>17 Q. It says, "While anti-Jewish and</p> <p>18 anti-Israeli individuals and organizations around</p> <p>19 the world seek to harm Israel and its people</p> <p>20 using warfare, terrorism, and other illegal or</p> <p>21 deceitful tactics, Shurat HaDin believes in using</p>	<p style="text-align: right;">Page 245</p> <p>1 American citizens and their successful \$338</p> <p>2 million lawsuit against the Government of Syria."</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. You were involved in that case, right?</p> <p>6 A. I testified in that case, yes.</p> <p>7 Q. Were you involved in the lawsuit</p> <p>8 against former President Carter?</p> <p>9 A. No.</p> <p>10 Q. Were you involved in the lawsuit that</p> <p>11 Shurat HaDin brought against the United States</p> <p>12 State Department?</p> <p>13 A. No.</p> <p>14 Q. How many cases have you been involved</p> <p>15 in with Shurat HaDin, to the best of your</p> <p>16 knowledge?</p> <p>17 A. I think this is the third.</p> <p>18 Q. In fact, sir, you have worked with</p> <p>19 Shurat HaDin on a total of five other cases</p> <p>20 against the PA and the PLO, right?</p> <p>21 A. I don't think that's true, though it's</p>
<p style="text-align: right;">Page 244</p> <p>1 existing laws to obtain its objectives." Do you</p> <p>2 see that, sir?</p> <p>3 A. I do.</p> <p>4 Q. The next paragraph says, "Thus, we</p> <p>5 have been involved in court actions ranging from</p> <p>6 a lawsuit against Jimmy Carter for</p> <p>7 misrepresentation, to forcing the trial of Hamas</p> <p>8 terrorists as war criminals. We also engage the</p> <p>9 media and public at large to clarify important</p> <p>10 issues, like designating the Gaza flotilla a</p> <p>11 violation of U.S. law under the U.S. Neutrality</p> <p>12 Act, and notifying maritime insurance carriers</p> <p>13 about the illegality of providing insurance to</p> <p>14 future flotilla vessels." Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. Then they list some of their cases,</p> <p>17 and there are what appear to be links to</p> <p>18 different news reports, right?</p> <p>19 A. Yes.</p> <p>20 Q. The first one mentions, "A Tel-Aviv</p> <p>21 based law center has represented two families of</p>	<p style="text-align: right;">Page 246</p> <p>1 possible that sometimes law firms partner with</p> <p>2 each other, so some of these cases may be cases</p> <p>3 that in my mind I've worked with another law</p> <p>4 firm, but maybe Shurat HaDin has been involved as</p> <p>5 well.</p> <p>6 Q. Let me just ask you about each of them</p> <p>7 for the record.</p> <p>8 A. Sure.</p> <p>9 Q. Were you working with Shurat HaDin for</p> <p>10 the work you did in the Parsons case?</p> <p>11 A. No.</p> <p>12 Q. What firm were you working with on</p> <p>13 that case?</p> <p>14 A. Perles, P-E-R-L-E-S. Steven Perles.</p> <p>15 Q. Were you working with the Shurat HaDin</p> <p>16 law firm in the Shatsky case?</p> <p>17 A. I don't think so. I think -- I don't</p> <p>18 remember which firm it was, but it was not Shurat</p> <p>19 HaDin. I only started working with them fairly</p> <p>20 recently. If you have a list of any of the other</p> <p>21 law firms that were involved in that case, I can</p>

<p style="text-align: right;">Page 247</p> <p>1 probably tell you from the list which one I was 2 involved with.</p> <p>3 Q. That's okay. How about the 4 Sapperstein case? Were you working with Shurat 5 HaDin on the Sapperstein case?</p> <p>6 A. Sapperstein. I did work on the 7 Sapperstein case. I can't recall if that was 8 Shurat HaDin. It might have been, but I think it 9 was another firm.</p> <p>10 Q. Okay.</p> <p>11 A. But I did work on that case.</p> <p>12 Q. Were you working with Shurat HaDin in 13 connection with the Klineman case that you 14 mentioned yesterday?</p> <p>15 A. No.</p> <p>16 Q. What was the name of the firm you were 17 working with in Klineman?</p> <p>18 A. I think that was Heideman.</p> <p>19 Q. And in this case, the Sokolow case, 20 you are working with Shurat HaDin, right?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 249</p> <p>1 So I don't want to look at this. I 2 don't want to participate in this. This is still 3 classified information that you just provided me.</p> <p>4 Q. Okay. Is this classified information 5 you received while you worked for the United 6 States Government?</p> <p>7 A. I don't know what it is. I haven't 8 looked at it, and I don't want to.</p> <p>9 Q. Were you employed by the United States 10 Government on August 30th, 2007?</p> <p>11 A. Well, I guess -- when did I leave? 12 No, I was not. I left in January 2007.</p> <p>13 Q. Well, if this document was cabled on 14 August 30th, 2007, you would agree with me that 15 it's not possibly material that you were exposed 16 to as a U.S. Government employee?</p> <p>17 A. That's right.</p> <p>18 Q. Does that change your position on 19 whether you're willing to look at the document?</p> <p>20 A. Unfortunately, no. The ban is on 21 looking at and using classified information.</p>
<p style="text-align: right;">Page 248</p> <p>1 MR. HILL: Let's mark this one, 2 please.</p> <p>3 (Defendant's Deposition Exhibit Number 4 193 was marked for identification.)</p> <p>5 BY MR. HILL:</p> <p>6 Q. Dr. Levitt, I'm handing you what's 7 been marked as Exhibit Number 193, which appears 8 to be a U.S. State Department cable that's been 9 reprinted on the website known as WikiLeaks.</p> <p>10 A. Can I interrupt you for a second? I 11 apologize.</p> <p>12 This presents a problem for me. I'll 13 explain. WikiLeaks is in the public domain, but 14 this information is not declassified. It remains 15 classified.</p> <p>16 When I left the Treasury Department, I 17 signed a pledge to protect classified 18 information, and most lawyers, including those 19 I've spoken to, says that I should not be reading 20 WikiLeaks, and I don't. I don't use it in my 21 work.</p>	<p style="text-align: right;">Page 250</p> <p>1 This is classified information even though it's 2 in the public domain. It's ridiculous, I agree, 3 but the Government's not declassified it, and 4 I've been advised not to use any WikiLeaks stuff.</p> <p>5 Q. Okay. Well, I understand you're 6 refusing to look at it. I appreciate you 7 explaining your rationale.</p> <p>8 A. If there's something -- I'm sorry to 9 interrupt.</p> <p>10 If there's something about this, like 11 a New York Times article talking about it, that, 12 I can look at. But I can't -- I'm sorry.</p> <p>13 Q. Why wouldn't the same rationale apply 14 if it was in The New York Times as opposed to the 15 WikiLeaks web page?</p> <p>16 A. So if it's on The New York Times 17 website and it appears in total, then it's the 18 exact same thing. But if -- I'm allowed to read 19 the newspapers, and if newspapers talk about 20 things, like I'm not -- the Barton Gellman 21 articles on NSA, that type of stuff happens all</p>

<p style="text-align: right;">Page 251</p> <p>1 the time. It's a step enough removed that it 2 doesn't impact as much. I'm not actually looking 3 at a classified document. I'm not responsible 4 for that.</p> <p>5 Q. If there's other formerly classified 6 material or classified material that's been 7 leaked, you are excluding that from your 8 consideration in this case, right?</p> <p>9 A. That's right.</p> <p>10 Q. So if there's information that was 11 leaked and is on the WikiLeaks page, that's 12 information that you have not considered in your 13 opinions?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know if other scholars in the 16 field share your inhibition on using WikiLeaks 17 material?</p> <p>18 A. It's a question of whether or not -- 19 well, it's a question of how they interpret it in 20 general terms. There's lots of different 21 opinions on this. There's one think tank here in</p>	<p style="text-align: right;">Page 253</p> <p>1 classified or they publicly release it for public 2 use, that's another thing.</p> <p>3 And, also, frankly, I'm not an Israeli 4 citizen. I have no obligation, like I do to the 5 United States, to protect their classified 6 information as I do my own.</p> <p>7 Q. Let's do it as a hypothetical then.</p> <p>8 A. Sure.</p> <p>9 Q. Assume that Nitsana Darshan-Leitner 10 has said that in the early years, Shurat HaDin 11 took direction from the Government of Israel 12 about which cases to pursue. Assume that she 13 said that. Has she ever told you that?</p> <p>14 A. No.</p> <p>15 Q. Do you know if this case is one of the 16 cases that the Government of Israel directed 17 Shurat HaDin to pursue?</p> <p>18 A. I don't.</p> <p>19 Q. Do you know if any of the other cases 20 you've worked on for Shurat HaDin, are one of the 21 cases that the Israeli Government directed Shurat</p>
<p style="text-align: right;">Page 252</p> <p>1 town that simply barred WikiLeaks material from 2 appearing on any of its servers. Nobody's 3 allowed to use it. But for the most part, the 4 consensus appears to be that it affects people 5 who have been in Government and have signed a 6 pledge to protect classified material, and, 7 therefore, people who have not been in Government 8 tend to feel a lot more comfortable using it, and 9 certainly non-Americans.</p> <p>10 Q. So you're comfortable using material 11 released by the Israeli Government, but not 12 comfortable considering classified material that 13 was once in the possession of the United States 14 Government?</p> <p>15 A. It's not a question of release. It's 16 a question of declassification. And in that 17 sense, release, the U.S. Government never 18 released this information. So if the U.S. 19 Government released it and made it declassified, 20 I use declassified material all the time. If the 21 Israelis provide something and it's no longer</p>	<p style="text-align: right;">Page 254</p> <p>1 HaDin to pursue?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. All right. As I just alluded to, in 4 your report there are a number of occasions where 5 you rely on documents that were released by the 6 Israeli Government; is that correct?</p> <p>7 A. For simplicity sake, let's say yes, 8 and we'll get into, I'm sure, as to what is and 9 what is not actually Israeli Government or from 10 the Israeli Government.</p> <p>11 Q. All right. And the organization 12 within the Israeli Government that was dealing 13 with the release of these materials and 14 publishing these reports online, was called the 15 IDF Military Intelligence group, right?</p> <p>16 A. In some instances, yes.</p> <p>17 Q. And you're familiar with that 18 organization?</p> <p>19 A. Yes.</p> <p>20 Q. Are you familiar with someone called 21 Efraim Halevy?</p>

<p style="text-align: right;">Page 255</p> <p>1 A. E-F-R-A-I-M, Halevy, H-A-L-E-V-Y. 2 Q. And what position did he hold within 3 IDF's Military Intelligence? 4 A. I don't know what Efraim Halevy held 5 in IDF Military Intelligence. I think his last 6 position was as head of the Mossad, which is a 7 different organization, M-O-S-S-A-D. It's their 8 version of the CIA. 9 Q. Okay. And are you also familiar with 10 someone called Matti Steinberg? 11 A. No. 12 Q. Are you aware that -- let me ask you 13 more precisely. 14 Do you know someone named Ephraim, 15 E-P-H-R-A-I-M, Lavie, L-A-V-I-E? 16 A. No. 17 Q. Do you know whether he held a position 18 in IDF's Military Intelligence organization? 19 A. It would be hard for me to know that 20 if I don't know him, no. 21 Q. Do you know whether Matti Steinberg</p>	<p style="text-align: right;">Page 257</p> <p>1 press sources go. 2 Q. If you look down at the bottom, the by 3 line for this article indicates that, "Colonel 4 Dr. Ephraim Lavie headed the Palestinian section 5 in the military intelligence directorate's 6 research division during the second intifada. 7 Dr. Matti Steinberg was an advisor to the Shin 8 Bet director." Do you see that, sir? 9 A. I do. 10 Q. Do you have any reason to doubt that 11 the purported authors of this article in fact 12 held those positions? 13 A. No reason to doubt them, no. 14 Q. Sir, I was going to call your 15 attention to about halfway down the page. 16 There's a paragraph that says -- starting with 17 the word, "Rather." Do you see that? 18 A. Yes. 19 Q. It reads, "Rather than serve as a 20 professional element that presents intelligence 21 about the enemy as it understands it, Military</p>
<p style="text-align: right;">Page 256</p> <p>1 worked for what's known as Shin Bet? 2 A. I don't. 3 Q. And for the record, what is Shin Bet? 4 A. It's the Israeli equivalent to the 5 FBI. It's their domestic security intelligence 6 outfit. 7 MR. HILL: Let's mark this as our next 8 exhibit. 9 (Defendant's Deposition Exhibit Number 10 194 was marked for identification.) 11 BY MR. HILL: 12 Q. We've handed you what has been marked 13 as Exhibit Number 194, which is a printout from 14 Haaretz, H-A-A-R-E-T-Z, dot com. What is 15 Haaretz? 16 A. Haaretz is one of the main English 17 language daily newspapers in Israel. Actually in 18 Hebrew, too, but this is English. 19 Q. Do you believe it is a reliable press 20 source as press sources go? 21 A. As press sources go and as Israeli</p>	<p style="text-align: right;">Page 258</p> <p>1 Intelligence was harnessed to use public 2 diplomacy and propaganda to ostensibly provide 3 expert backing for Sharon's policies." Do you 4 see that, sir? 5 A. I do. 6 Q. Are you familiar with that critique of 7 the IDF Military Intelligence organization? 8 A. Not as such, no. That is to say I 9 haven't seen this article and I haven't seen a 10 critique of the -- sometimes it's called Defense 11 Ministry Intelligence, or DMI, but I have seen 12 that critique of the way DMI took information, 13 mostly seized documents, and provided it to an 14 affiliated think tank. And people criticized 15 that, that that's not something that the Military 16 Intelligence outfit would normally do. 17 Q. Now that you are aware of that 18 critique, does that cause you any concern about 19 relying on the materials that were released by 20 DMI, as you've described it? 21 A. No. With the caveat, that is to say,</p>

<p style="text-align: right;">Page 259</p> <p>1 the primary source documents that were released 2 and authenticated are what they are. But then 3 the additional analysis that goes along with it, 4 sometimes by the people who are putting it out, 5 which was the -- it was originally called CSS, 6 the, I think, Center for Special Studies, which 7 was this kind of pseudo think tank kind of 8 affiliated with the Israeli military. That is a 9 different issue.</p> <p>10 In other words, the primary source 11 documents are primary source documents, and then 12 one may agree or disagree with the analysis and 13 before and after put out by the military. You 14 know, as a researcher, you interview or you read 15 things, and everybody's got their opinion and 16 everybody's out to inform and persuade, whether 17 it's, you know, a politician here or a foreign 18 government for sure, and so you have to weigh 19 that in your considerations.</p> <p>20 Q. So are you saying, sir, that your 21 opinions are not based on the IDF Military</p>	<p style="text-align: right;">Page 261</p> <p>1 A. I do. 2 Q. And for that discussion of that 3 particular document, you cite to, in Footnote 16, 4 something called, "Jenin: The Capital of the 5 Palestinian Suicide Terrorists, IDF/MI report." 6 Do you see that, sir? 7 A. I do. 8 Q. And the IDF/MI is the organization 9 that we've been discussing, right? 10 A. Correct. 11 Q. So you are, in fact, citing to the 12 report of that organization there for a statement 13 about a purported September 2001 letter, right? 14 A. Again, these reports include, often as 15 appendices, the primary source documents, so it 16 looks like I am citing to that report within 17 which is included the document. 18 MR. HILL: Let's mark this, please. 19 (Defendant's Deposition Exhibit Number 20 195 was marked for identification.) 21 BY MR. HILL:</p>
<p style="text-align: right;">Page 260</p> <p>1 Intelligence spin on the documents? 2 A. I don't think there is any, and I 3 don't know that I'd call it spin. That's your 4 word. It's their analysis, and maybe it's spin, 5 maybe it's just their analysis, and maybe I would 6 agree or maybe I disagree, but I try to keep to 7 the seized documents and to note, if and when 8 citing to some of their analysis, that I'm doing 9 that. In other words, to keep the two separate. 10 Doesn't mean that their analysis is 11 necessarily wrong. There's a difference between 12 analysis and spin, of course. 13 Q. Well, let's look at Page 10 of your 14 report, where you begin to discuss some of these 15 seized documents, as you've describe them. In 16 the first paragraph, carry-over paragraph there, 17 you reference what you describe as a September 18 2001 letter from Fatah members in the Jenin 19 Refugee Camp to Marwan, M-A-R-W-A-N, al, A-L, 20 dash, Barghouti, B-A-R-G-H-O-U-T-I. Do you see 21 that, sir?</p>	<p style="text-align: right;">Page 262</p> <p>1 Q. Dr. Levitt, I've handed you Exhibit 2 195. Is this, in fact, the IDF/MI report that 3 you cite in Footnote 16 of your report? 4 A. Yep, that appears to be it. 5 Q. Turn, if you will, to Page 17 of the 6 report. 7 A. Okay. 8 Q. And you will see there, sir, on Page 9 17, 18 and 19 what purports to be a copy of an 10 original document in Arabic. Do you see that? 11 A. I do. 12 Q. For the record, sir, you do not read 13 Arabic, right? 14 A. Correct. 15 Q. When you have made statements about 16 the content of this report, you are, therefore, 17 necessarily relying on a translation, right? 18 A. Correct. 19 Q. Are you, in fact, relying on the 20 translation provided by the IDF/MI on Pages 14, 21 15, and 16 of this exhibit?</p>

<p style="text-align: right;">Page 263</p> <p>1 A. Likely.</p> <p>2 Q. Have you seen another translation of</p> <p>3 this document, sir?</p> <p>4 A. I don't think I have seen another</p> <p>5 translation, but because I don't read Arabic, we</p> <p>6 do have Arabic speakers within our institute and</p> <p>7 I'll often run things by them to make sure that</p> <p>8 the translation is not inaccurate.</p> <p>9 Q. Okay. And did you run this particular</p> <p>10 document by such a person to determine whether</p> <p>11 this was an accurate translation?</p> <p>12 A. I don't recall.</p> <p>13 Q. What is the name of the person that,</p> <p>14 if you had done that, you would have run it by?</p> <p>15 A. I don't recall. Usually it's research</p> <p>16 assistants who come and go, and it's whoever's</p> <p>17 around.</p> <p>18 Q. So sitting here today, if I wanted to</p> <p>19 find someone to verify that, in fact, an Arabic</p> <p>20 speaker had looked at this for you and told you</p> <p>21 this was an accurate translation, you can't help</p>	<p style="text-align: right;">Page 265</p> <p>1 of the documents that were released by the</p> <p>2 Israeli Government, did you have anyone do an</p> <p>3 independent translation of those documents?</p> <p>4 A. I did not pay someone to do a</p> <p>5 professional translation of any of these and</p> <p>6 write it down as such.</p> <p>7 Q. For any of the documents released by</p> <p>8 the Israeli Government that you refer to in this</p> <p>9 report in this case, did you have an independent</p> <p>10 translator look at the Israeli Government</p> <p>11 translation to verify it?</p> <p>12 A. I don't know what you mean by</p> <p>13 independent translator. But, again, I would seek</p> <p>14 someone out in my office who speaks Arabic and</p> <p>15 have them look at it and verify for me that it is</p> <p>16 or isn't an accurate translation.</p> <p>17 Q. Sir, can you tell me today of a</p> <p>18 particular document you cited in your report that</p> <p>19 was released by the Israeli Government for which</p> <p>20 you did have an Arabic speaker review the</p> <p>21 translation for accuracy?</p>
<p style="text-align: right;">Page 264</p> <p>1 me find such a person, right?</p> <p>2 A. Not only can I not help you find such</p> <p>3 a person, I can't tell you if it actually</p> <p>4 happened, as I've already said to you.</p> <p>5 Q. Okay. So you don't regard it as</p> <p>6 necessary to have an independent translation of</p> <p>7 these documents; is that correct?</p> <p>8 A. In my experience, the translations are</p> <p>9 generally accurate. But, again, I do often of</p> <p>10 them translated, not the whole document, but if</p> <p>11 I'm looking at a piece.</p> <p>12 Q. Now, you say in your experience</p> <p>13 they're generally accurate. What experience</p> <p>14 makes you think these are generally accurate?</p> <p>15 A. Like I said, I often will have people</p> <p>16 take a look at a document that comes to me, well,</p> <p>17 certainly if it's only in a foreign language, but</p> <p>18 if it comes with translation, to make sure the</p> <p>19 translation isn't off. I can't tell you that</p> <p>20 that was the case with this specific document.</p> <p>21 Q. Let's try it this way then: For any</p>	<p style="text-align: right;">Page 266</p> <p>1 A. No, I don't keep records of, you know,</p> <p>2 when I walk down the hall and ask a colleague to</p> <p>3 eyeball something for me.</p> <p>4 Q. Can you tell me the name of any</p> <p>5 colleague that you used for the purpose you've</p> <p>6 described of verifying the accuracy of the</p> <p>7 translations provided by the IDF/MI?</p> <p>8 A. No.</p> <p>9 Q. So there's no way for me to verify</p> <p>10 your assertion that someone may have checked</p> <p>11 these translations for you, right?</p> <p>12 A. Again, I haven't asserted that someone</p> <p>13 checked all these translations for me, but --</p> <p>14 Q. Okay. Your testimony is you may have</p> <p>15 just relied on this, without having someone check</p> <p>16 it, or you may have had someone check it, right?</p> <p>17 A. My testimony is that I don't recall</p> <p>18 each and every document from something that came</p> <p>19 out years ago -- what was this, 2002 when I was</p> <p>20 originally working on this -- and to tell you who</p> <p>21 and when and on what date I had looked at these</p>

<p>1 things. I can tell you that I often do this. I 2 can't tell you what happened 13 years ago. 3 Q. Okay. All right. For this document, 4 sir, you were obviously not present when the 5 Arabic document was created, right? 6 A. Correct. 7 Q. And that's true for all of the release 8 documents that you cite in the report, right? 9 A. Correct. 10 Q. And you were also obviously not 11 present when this document came into the 12 possession of the IDF, right? 13 A. Correct. 14 Q. And that's true, again, for all of the 15 release documents that you cite? 16 A. Correct. 17 Q. And it's also true, sir, that you have 18 no firsthand knowledge of who may have received 19 this document other than the IDF, right? 20 MR. HORTON: Just to be clear, when 21 you say, "This document," you're referring to the </p>	<p>Page 267</p> <p>1 Q. You did? So you believe you've seen 2 some materials the IDF seized that are not 3 publicly available? 4 A. I believe not all the material that 5 they had shown me during one of my research 6 trips, did they ultimately put on the Internet. 7 They didn't give these to me. I don't have them, 8 didn't rely on them. 9 Q. Were any of these materials that you 10 were allowed to see that are not publicly 11 available from the IDF about the relationship 12 between the AAMB and Fatah? 13 A. I don't recall. And it wasn't kind of 14 an opportunity for me to have a detailed look at 15 the documents they were showing, as they were to 16 many generalists and scholars. A reporter from 17 The New York Times went and went and toured their 18 facility and others as well and wrote about it at 19 the time. They were agreeing to request by 20 reporters and academics, including myself, to see 21 some of the documents to be able to try and make </p>
<p>1 whole report or to the Arabic letter? 2 MR. HILL: I'll clarify that. 3 Q. The particular document that we're 4 discussing now, the September 2001 letter, sir, 5 you have no firsthand knowledge of who may have 6 received this document other than the IDF, right? 7 A. I'm not sure I fully understand the 8 question, but, no, I don't know if anybody other 9 than the IDF ever got their hands on this 10 document until they made public obviously. 11 Q. And then when it became public, that's 12 when you got to see it, right? 13 A. Generally, though as I stated 14 yesterday, there were some instances where I was 15 shown some of these before they went up on the 16 Internet. 17 Q. Okay. Now, when you were shown things 18 before they went up on the Internet, did you see 19 anything that was not ultimately posted on the 20 Internet? 21 A. Very likely. </p>	<p>Page 268</p> <p>1 an assessment of what was going on and how 2 reliable they were, this was in the early days 3 when they first started doing this, so that they, 4 in my case I, could come back here and speak to 5 officials here and get a sense of is this, as you 6 put it earlier, spin, or are these actually 7 documents that are authentic? 8 Q. Now, when were you shown these 9 documents that you've described as being -- that 10 you and others were allowed to see but were not 11 ultimately released? What year and date, to the 12 best of your recollection? 13 A. I don't have a date, and I can't even 14 give you an exact year. 15 Q. Let's try it this way: Was it while 16 you were working for the FBI or after you left? 17 A. No, no, let's be clear. Nothing we 18 are discussing here, nothing that has anything to 19 do with this report has anything to do with my 20 time at the FBI or my time at Treasury, period. 21 Q. So when did you leave the FBI? </p>

<p style="text-align: right;">Page 271</p> <p>1 A. I left the FBI in November 2001. 2 Q. So it was clearly after that date? 3 A. Yes. 4 Q. So with that as maybe a fixed point, 5 what's your best estimate of when you went and 6 saw these documents that the rest of the public 7 hasn't seen? 8 A. That was November 2001. I didn't 9 immediately go on a trip to Israel. The earliest 10 would have been 2002. I'm not sure I went then, 11 but the earliest would have been 2002. And the 12 latest would have been -- this was before I went 13 back to Treasury, which was 2005. 14 Q. So who other than yourself was in this 15 group that were allowed to see documents by the 16 IDF that were not publicly released? 17 A. This was not a group. I went on my 18 lonesome. 19 Q. You went by yourself? 20 A. Correct. After, I think it was -- I 21 don't remember who it was, but someone from The</p>	<p style="text-align: right;">Page 273</p> <p>1 an opportunity for them to show, you know, the 2 kind of -- the scale and scope of the documents 3 they seized and kind of, you know, how they were 4 trying to process it, and so they kind of put 5 things out on the table and I probably didn't, 6 you know, get to read very much, but. 7 Q. Did you get to read some things? 8 A. You got to scan some things. You got 9 to, you know, glance through some things. A lot 10 of them, especially in those early years, were 11 less text, exception of seized documents, and a 12 lot more of images, posters of suicide bombers or 13 martyrs. 14 Q. Did you see translations of these 15 materials that had been prepared by IDF/MI? 16 A. I don't recall. 17 Q. So are you saying you just saw Arabic 18 stuff that you couldn't understand? 19 A. What stuff was in Arabic, they 20 probably translated. Other stuff, you know, like 21 I said it wasn't sitting down and taking notes on</p>
<p style="text-align: right;">Page 272</p> <p>1 New York Times had gone. I think it was someone 2 from Wall Street Journal had gone. That's how I 3 got the idea that maybe if I put in a request, 4 they'd say yes. 5 Q. Do you know the names of the reporters 6 from the two newspapers you've mentioned that got 7 to see this stuff? 8 A. Not offhand, but that should be 9 Googleable. They came back and wrote articles 10 about it. 11 Q. Apart from those two reporters and 12 yourself, can you give me the name of any other 13 person that has seen the materials you've 14 described as you seeing but not being publicly 15 released? 16 A. The answer's no. I know there were a 17 whole bunch of people who did this, A. And, B, I 18 don't know that we all saw the same materials. 19 As I was saying earlier, this was not an 20 opportunity to sit down with a pile of documents 21 and kind of go through them in detail. This was</p>	<p style="text-align: right;">Page 274</p> <p>1 a poster. The poster largely speaks for itself, 2 often with pictures of individuals I was familiar 3 with at the time from studying these things and 4 the emblems of groups I'm familiar with. And 5 they're mostly telling -- these are examples of 6 things that we picked up in the city or that city 7 or -- 8 Q. What were the names of the people that 9 were showing you this material? 10 A. I don't recall. I've never met them 11 before. Some random person who was assigned. 12 Q. And where did you go to view this 13 material? 14 A. So I first went to the Israeli 15 Military Headquarters in Tel-Aviv. I actually 16 remember the name of one guy. The person who was 17 kind of overseeing it at the time was a guy -- 18 and I'll spell it for you, Reuven, R-E-U-V-E-N, 19 Ehrlich, I think that's E-H-R-L-I-C-H, or 20 thereabouts, who was, I think, a retired or 21 reserve or whatever officer, who because of his</p>

<p style="text-align: right;">Page 275</p> <p>1 English, and I think he had some academic 2 pedigree of some sort, was brought in to kind of 3 be the one to oversee this, kind of give it some 4 academic flavor to it.</p> <p>5 And then they had set up -- well, at 6 that point they hadn't yet set up this facility 7 that became known as the Center for Special 8 Studies, CSS, and later took on another name. I 9 think it went by ITIC. I don't remember what 10 that stands for.</p> <p>11 Q. But you've only been on the one 12 occasion, right?</p> <p>13 A. Twice.</p> <p>14 Q. So there was another trip where you 15 saw documents from the IDF?</p> <p>16 A. I don't know if I saw documents, but 17 I'll tell you about it if you want.</p> <p>18 Q. Well, I mean that's the issue, is did 19 you see documents from the IDF that purported to 20 be seized documents other than on the one 21 occasion when you went to Military Headquarters?</p>	<p style="text-align: right;">Page 277</p> <p>1 was ever received by anyone other than the IDF. 2 That's also the case for all the documents you 3 cite that the IDF released, right?</p> <p>4 A. Correct.</p> <p>5 Q. Now, if you'll look at Exhibit 195, 6 the IDF/MI report, on Page 19 of the report, 7 which purports to be the original Arabic 8 document, you'll notice that the first line is 9 cut off, right?</p> <p>10 A. Correct.</p> <p>11 Q. And you don't have any idea what is 12 written on that first line, right?</p> <p>13 A. No.</p> <p>14 Q. And you don't know who cut that first 15 line off, do you?</p> <p>16 A. No. Or even if it's only cut off in 17 this version. I don't know.</p> <p>18 Q. What have you done to verify the facts 19 that are asserted in this Arabic document?</p> <p>20 A. We've covered that. I've asked 21 people -- again, and I can't say this specific</p>
<p style="text-align: right;">Page 276</p> <p>1 A. Well, certainly whenever they made 2 them public. I didn't --</p> <p>3 Q. Apart from that.</p> <p>4 A. On this first trip, if it's okay, 5 because you asked, I went to the Military 6 Headquarters, and then there's a base, whose name 7 I have no recollection of, just outside Tel-Aviv 8 where they had a warehouse with the documents. 9 You have to peek in the warehouse and --</p> <p>10 Q. While you were at the warehouse, did 11 you actually look at any documents or just --</p> <p>12 A. No.</p> <p>13 Q. -- boxes? So when you were at 14 Military Headquarters, were any of the documents 15 that you were shown by the IDF related to whether 16 the PA or PLO supported terrorism during the 17 Second Intifada?</p> <p>18 A. I don't recall.</p> <p>19 Q. All right. We talked earlier about 20 how you don't have any firsthand knowledge of 21 whether this particular September 2001 document</p>	<p style="text-align: right;">Page 278</p> <p>1 document, but I often ask people for the general 2 gist of things. If this is the copy that I was 3 looking at at the time and it was cut off, and if 4 that sentence was something that was of interest, 5 or certainly if it was something I'm relying on, 6 then that would be a problem.</p> <p>7 Q. Would it be a problem if that sentence 8 refers to the PA?</p> <p>9 A. Not if -- not necessarily.</p> <p>10 Q. Well, it could be a problem, right, 11 because you don't know what it says about the PA?</p> <p>12 A. Well, often you can tell by context if 13 a few words are missing, and --</p> <p>14 Q. How can you tell by context, sir?</p> <p>15 A. Well, if a document is talking about 16 how, you know, the PA is involved in humanitarian 17 work and then there's a sentence missing and it's 18 continuing talking about the PA involved with 19 humanitarian work, you can surmise that the 20 middle sentence or middle few words are probably 21 a continuation of what was and continued to be</p>

<p style="text-align: right;">Page 279</p> <p>1 discussed.</p> <p>2 Q. Did you make any surmise about what</p> <p>3 the missing text in this instance said?</p> <p>4 A. I don't recall that at all. I don't</p> <p>5 recall the specifics of this document.</p> <p>6 Q. You said we talked about this before</p> <p>7 in terms of what you did to verify it. Do you</p> <p>8 mean by that that you have spoken to people about</p> <p>9 this document but you don't know who or when or</p> <p>10 where?</p> <p>11 A. I did speak to people about specific</p> <p>12 documents and don't recall and did not keep</p> <p>13 records of which documents. But more to the --</p> <p>14 more frequently, and more to the point, was</p> <p>15 talking to people in more general terms about</p> <p>16 whether the confiscated documents, plural, and</p> <p>17 not any one particular document, were considered</p> <p>18 by the U.S. Government or other governments as</p> <p>19 being authentic.</p> <p>20 Q. I want to return to that point, but</p> <p>21 let's just make sure the record is clear on this.</p>	<p style="text-align: right;">Page 281</p> <p>1 A. I don't think so. I'd have to review</p> <p>2 the report to tell you specifically, but I'll</p> <p>3 take your word for it.</p> <p>4 Q. If you look down to the next</p> <p>5 paragraph, the sixth line from the bottom says,</p> <p>6 "All the arms at Fatah's disposal are private</p> <p>7 property, obtained by getting into debt or by the</p> <p>8 participation of several brothers together in</p> <p>9 purchasing one rifle. There are even those who</p> <p>10 sold their wives' gold to buy arms. Most of the</p> <p>11 activity that we carry out, whether inside</p> <p>12 outside the RC, is (financed) by means of debt</p> <p>13 that are piling up on our shoulders." Do you see</p> <p>14 that?</p> <p>15 A. Yes.</p> <p>16 Q. You also do not quote those particular</p> <p>17 sentences in your report, right?</p> <p>18 A. Correct.</p> <p>19 Q. Now, the parenthetical information</p> <p>20 there, the word "financed," do you know whether</p> <p>21 that was in the original Arabic document?</p>
<p style="text-align: right;">Page 280</p> <p>1 Today, you can cannot tell me of anything you did</p> <p>2 to verify the facts contained in what you</p> <p>3 describe as the September 2001 letter on Page 10</p> <p>4 of your report, right?</p> <p>5 MR. HORTON: Object to form.</p> <p>6 A. Right. I can't tell you what I did to</p> <p>7 verify the letter that's in front of us dated</p> <p>8 September 2001.</p> <p>9 Q. Look, if you will, on the IDF/MI</p> <p>10 translation of the document, which is on Page 15</p> <p>11 of Exhibit 195.</p> <p>12 The second paragraph on that page,</p> <p>13 sir. Page 15.</p> <p>14 A. Yes.</p> <p>15 Q. It says, "We in the Fatah movement in</p> <p>16 Jenin RC receive nothing that could be called a</p> <p>17 working budget in comparison to the other</p> <p>18 factions." Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. And you did not include that</p> <p>21 particular quote in your report, did you?</p>	<p style="text-align: right;">Page 282</p> <p>1 A. No.</p> <p>2 Q. So you don't know whether that's</p> <p>3 something that's been added by the IDF/MI</p> <p>4 translator?</p> <p>5 A. No. It might have been something I</p> <p>6 checked at the time, but there's no way for me to</p> <p>7 recall now.</p> <p>8 Q. You agree with me, sir, that there's</p> <p>9 no indication in the translation that the IDF/MI</p> <p>10 has provided that any money was paid in response</p> <p>11 to this document, right?</p> <p>12 A. Correct.</p> <p>13 Q. All right. And the document itself</p> <p>14 does not identify who authored the document,</p> <p>15 right?</p> <p>16 A. Correct.</p> <p>17 Q. And you have obviously not spoken to</p> <p>18 the author of the document about this document,</p> <p>19 right?</p> <p>20 A. That would have been hard.</p> <p>21 Q. And it's addressed to Mr. Barghouti.</p>

<p style="text-align: right;">Page 283</p> <p>1 You have not spoken to Mr. Barghouti about it, 2 have you? 3 A. No. 4 Q. In fact, you have no idea whether Mr. 5 Barghouti ever received this document, right? 6 A. I've never had the opportunity to ask 7 him about it, but, again, I did spend time 8 talking to officials about whether the consensus 9 was that these were authentic documents, and I 10 guess the answer is ultimately no. It could be 11 an authentic document and I guess maybe it didn't 12 get to him. 13 Q. So sitting here today, you have no 14 idea whether or not Mr. Barghouti ever actually 15 laid eyes on this particular document, do you? 16 A. Again, there's no way for me to keep 17 this all at my finger tips. I can't remember if 18 this report explains where and when it was found. 19 If it was found in his home or someplace he 20 works, then it's more than likely. If it was 21 found some random place, then it's harder to say,</p>	<p style="text-align: right;">Page 285</p> <p>1 in putting forward what is probably their honest 2 perspective on something, but they're party to a 3 conflict. 4 Q. So the bottom line, sir, is that you 5 have taken this translation provided by the 6 IDF/MI and you have relied on the facts that are 7 asserted in this translation as if they were 8 true, right? 9 A. By and large. 10 Q. Have you done anything to verify the 11 truth of what you've relied on from this 12 translation of this document? 13 A. Beyond what we've already discussed, 14 and specific to this document, I don't think so. 15 It is possible. Again, as I said earlier -- I 16 feel like we're going a little bit in circles -- 17 I did sometimes sit down with people with 18 specific documents. I don't know which. Might 19 have been some of these, might have been 20 something totally different, might not have had 21 anything to do with anything related to this</p>
<p style="text-align: right;">Page 284</p> <p>1 but. 2 Q. Okay. And just to discuss that for a 3 moment: Are you suggesting that you would take 4 the IDF/MI's word on where it found the document? 5 A. Again, as a matter of course, you 6 don't take anybody's word for, you know, foreign 7 government, if you're talking about partisan 8 politics here, a particular party as opposed to 9 another. And certain details are ultimately not 10 going to be verifiable to the finest point. 11 But what you can do is try and get a 12 sense of whether or not others, whether it's 13 academics or government officials, have reason to 14 believe that the documentation is authentic. 15 And, of course, the IDF is a part of 16 the Israeli Government. It is a sovereign 17 government. It is a close ally of the United 18 States. It's not the case that it is going to 19 make up everything under the sun by any stretch 20 of the imagination. And, yet, the IDF is the 21 Israel defense forces, and they have an interest</p>	<p style="text-align: right;">Page 286</p> <p>1 case. 2 There were documents that had nothing 3 to do with al-Aqsa or Fatah, or stuff like that. 4 Hamas, for example. But I also did spend time 5 trying to get a sense of the overall sense of the 6 authenticity of the documents. 7 Q. And just for the record, that's true 8 for all of these documents that you're citing 9 here, right? You cannot recollect a single 10 instance where you took a single one of the 11 documents you cite to someone and talk to them 12 about whether what was in it was true, right? 13 A. That's right. 14 Q. On Page 10, at the bottom of the 15 page -- 16 A. Of which document? 17 Q. Of your report. 18 A. My report. Okay. 19 Q. You also reference what you call a 20 2001: "Comprehensive Report on the Al Aqsa 21 Martyrs Brigade (in the Jenin Province)"</p>

<p style="text-align: right;">Page 287</p> <p>1 submitted to Fatah Secretary Marwan Barghouti. 2 Do you see that, sir? 3 A. I do. 4 Q. And in Footnote 18, you are again 5 citing this same Military Intelligence report 6 which we've previously marked as Exhibit Number 7 195, right? 8 A. No. 9 Q. You're not? 10 A. No. 18 is a different one if you look 11 at the bottom of Page 10. We were just in a 12 report on Jenin, right? 195 is Jenin. And 13 Footnote 18 is something called the Al Aqsa 14 Martyrs Brigade's (on U.S. State Department list 15 of terror organizations), et cetera. Correct? 16 Unless I'm misunderstanding. 17 Q. No, you're correct. 18 Look if you would, sir, at Page 20 of 19 Exhibit 195. And there's what purports to be a 20 translation on Pages 21 to 22, and the question 21 for you is: Is this the document that you're</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. Okay. 2 A. One second, if I may. 3 Q. Sure. 4 (Witness Reviews Document.) 5 A. Okay. So if you look at the last page 6 of what we've marked 196, there's a list of 7 appendices, and it looks like Document 8 is the 8 same document as the one that you've shown me in 9 what is 195. The document isn't included in what 10 you handed me. It would have been included in 11 the full version, as it is in the full version of 12 195, but it appears that this document was in two 13 different places. 14 Q. Well, let's look at 195 since it 15 appears to have the translation of the actual 16 document. 17 Now, you'll agree with me that the 18 Arabic which is located on Pages 23 and 24 is 19 only two pages long, right? 20 A. That's right. 21 Q. But the translation, which is Pages</p>
<p style="text-align: right;">Page 288</p> <p>1 referring to on Page 10 in the last paragraph 2 there? 3 A. Do you have a copy of this other 4 report? 5 Q. I do. I'll mark it for you. 6 A. Because either this report is included 7 in both these documents, and maybe I referred to 8 that one, or maybe it's just in this one and I 9 have an error in my footnote, but I need to see 10 to be able to -- but it does appear to be at 11 least a version of the document. 12 (Defendant's Deposition Exhibit Number 13 196 was marked for identification.) 14 BY MR. HILL: 15 Q. So we've shown you what's been marked 16 as Exhibit Number 196. Is this, in fact, the 17 report that is referenced in Footnote 18 of your 18 report? 19 A. This is part of it, but it doesn't 20 include any of the appendices which are the 21 original documents.</p>	<p style="text-align: right;">Page 290</p> <p>1 20, 21 and 22, is three pages? 2 A. Correct. 3 Q. Does it appear to you that a page is 4 missing from this report of the original 5 document? 6 A. It's possible. Again, I don't know 7 that it was missing in the one that I actually 8 used, which appears to have been the other 9 report. 10 Q. For the record, we had asked 11 plaintiffs' counsel to provide the material you 12 relied on, and I got Exhibit 196, which does not 13 include the appendices, so that may have been 14 some goof by somebody here. But while we're 15 here, let's talk about this document. 16 You agree with me that this document 17 does not identify who its author is, right? 18 A. On Page 22, it does not. There's no 19 signature. 20 Q. And then on Page 21, which is the 21 IDF/MI's translation, the third full paragraph</p>

<p style="text-align: right;">Page 291</p> <p>1 after the bullet says, "At the same time, to this 2 day there is no budget (for us) for all this 3 activity." Do you see that?</p> <p>4 A. Correct.</p> <p>5 Q. And you did not include that quote in 6 your report, did you?</p> <p>7 A. I don't think so. Again, I'll take 8 your word for it.</p> <p>9 Q. And you don't know whether the 10 insertion of "for us" in the parens is an 11 insertion by the translator or whether that's in 12 the original Arabic, right?</p> <p>13 A. My assumption is that it's the 14 translator. That's usually the way this is done. 15 In the United States, we usually use a square 16 bracket.</p> <p>17 Q. The final sentence of that paragraph 18 says, "All the expenses of this activity were 19 paid from their own pocket" --</p> <p>20 A. I'm sorry, you lost me.</p> <p>21 Q. On the third paragraph, last sentence</p>	<p style="text-align: right;">Page 293</p> <p>1 I'll take your word for it just so we can save 2 some time.</p> <p>3 Q. Which is for the record.</p> <p>4 A. This is in the period where they're 5 making a case for Fatah to arm Al Aqsa, which 6 until this time has been paying for its own way. 7 Or, as I think we talked a little bit yesterday, 8 has had offers from other militant organizations 9 to fund activities, and Fatah is concerned that 10 if it doesn't start funding, they'll go that way. 11 They'll leave their group.</p> <p>12 Q. Right. And do you know whether this 13 coincided with a cease-fire?</p> <p>14 A. Not offhand, no.</p> <p>15 Q. There's no indication that the author 16 of this document has received any money in the 17 past, is there?</p> <p>18 A. No.</p> <p>19 Q. And there's no indication that the 20 author of this document received any money as a 21 result of this request?</p>
<p style="text-align: right;">Page 292</p> <p>1 on the third paragraph on 21 says, "All the 2 expenses of this activity were paid from their 3 own pocket (of Al Aqsa Brigades men)." Do you 4 see that?</p> <p>5 A. I do.</p> <p>6 Q. And, again, you did not include that 7 sentence in your report, right?</p> <p>8 A. Correct.</p> <p>9 Q. And the insertion of Al Aqsa Brigades 10 men is something that's been added by the IDF/MI 11 translator, correct?</p> <p>12 A. That's what I think.</p> <p>13 Q. It says at the very bottom of the page 14 that -- the last sentence says, "(It is 15 noteworthy that) there are various moves of 16 elements that oppose us (ready) to invest this 17 money." Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. And you did not include that sentence 20 in your report either, did you, sir?</p> <p>21 A. I don't know. If you're saying no,</p>	<p style="text-align: right;">Page 294</p> <p>1 A. All we have here is the request.</p> <p>2 Q. And you've not spoken to the author of 3 the document?</p> <p>4 A. I have not spoken to the unknown 5 author.</p> <p>6 Q. And you've not spoken to Mr. Barghouti 7 about the document?</p> <p>8 A. No.</p> <p>9 Q. And you have no idea if Mr. Barghouti, 10 in fact, received the document?</p> <p>11 A. Correct.</p> <p>12 Q. Turn, if you will, to Page 12 of your 13 report.</p> <p>14 A. Page 12.</p> <p>15 Q. In the first paragraph, you say, in 16 the second sentence, "For example, Israel's 17 Public Security Ministry announced that among the 18 over 100,000 documents seized from the PA's East 19 Jerusalem headquarters, Orient House, 20 investigators found documents showing the PA 21 transferred funds to Fatah, the Tanzim, (another</p>

<p style="text-align: right;">Page 295</p> <p>1 militant wing of Arafat's Fatah), and its 2 affiliated fighters. The documents - many of 3 which were printed on 'AL-AQSA Martyrs Troops' 4 letterhead - include a July 9th, 2002, letter 5 signed by Arafat sent to Kamil Hmeid, a Fatah 6 leader in Bethlehem." Do you see that, sir?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And you are citing there 9 another one of these IDF reports, correct?</p> <p>10 A. So it's really two. There's Footnote 11 28 and 29.</p> <p>12 Q. All right. 28 cites to an IDF report, 13 right?</p> <p>14 A. Right. And it's a "for example." I 15 think -- we'd have to look, but I think it's 16 trying to show an example of the Al Aqsa Martyrs 17 Troops' letterhead.</p> <p>18 Q. And 29 refers to an Associated Press 19 article, right?</p> <p>20 A. Correct.</p> <p>21 MR. HILL: Mark that.</p>	<p style="text-align: right;">Page 297</p> <p>1 interrupt. There's a subhead on the one you 2 provided, "Israel: Arafat Payed Militant." 3 So the AP is the source, and AP does 4 sometimes change their titles. The likelihood is 5 it's probably the same document, but we should go 6 through it.</p> <p>7 Q. You have never interviewed Mr. Hmeid 8 about this July 9th, 2002 document, have you?</p> <p>9 A. No.</p> <p>10 Q. And you've also never interviewed 11 President Arafat, right?</p> <p>12 A. No.</p> <p>13 Q. Have you ever interviewed the author 14 of this AP article?</p> <p>15 A. No.</p> <p>16 Q. At the bottom of the first page of the 17 AP article, the second from last paragraph says, 18 "'The money we receive is used for political and 19 social activities only,' Hmeid said. Israeli 20 claims that money supports militant activities 21 are propaganda, he added. Do you see that?</p>
<p style="text-align: right;">Page 296</p> <p>1 (Defendant's Deposition Exhibit Number 2 197 was marked for identification.)</p> <p>3 BY MR. HILL:</p> <p>4 Q. I'm showing you what we've marked as 5 Exhibit Number 197. This is the Associated Press 6 article that you're referring to in Footnote 29, 7 right?</p> <p>8 A. Is it?</p> <p>9 Q. That's the question for you, sir.</p> <p>10 A. Well, it's a different title.</p> <p>11 Sometimes they change titles and at the end will 12 say this previously appeared in a different 13 title. It's the right date, but it's a slightly 14 different title.</p> <p>15 The title which you gave me is, 16 "Arafat Payed Militant," and what I have is 17 "Israel: Document Shows Arafat Paying Militant 18 Wanted by Israel."</p> <p>19 Q. So you're not sure if this is the same 20 thing or not?</p> <p>21 A. Hold on one second. I'm sorry to</p>	<p style="text-align: right;">Page 298</p> <p>1 A. I do.</p> <p>2 Q. You did not reference that quote in 3 your report, right?</p> <p>4 A. Correct.</p> <p>5 Q. Now, this AP report that you cite in 6 Footnote 29 regarding this July 2002 document, 7 the AP report is dated March 2002, right?</p> <p>8 A. Correct.</p> <p>9 Q. So when your report is referencing 10 this July 9th, 2002 letter signed by Arafat, that 11 is a mistake, right?</p> <p>12 A. Yes.</p> <p>13 Q. Turn to Page 16 in your report. In 14 the second paragraph on Page 16 of your report --</p> <p>15 A. The first full one?</p> <p>16 Q. Yeah, the first full paragraph there.</p> <p>17 The third sentence says, "A July 2001 letter from 18 Kamal Hamid, H-A-M-I-D, Fatah's Bethlehem 19 secretary, to 'The Honorable Brother President 20 Arafat, May God protect you with blessings of the 21 homeland,' requests individual payments of \$2,000</p>

<p style="text-align: right;">Page 299</p> <p>1 for 24 Fatah members. Arafat's signature dated 2 August 12th, 2001 authorizes the payment of '\$300 3 to each one' of the 24 individuals." Do you see 4 that, sir?</p> <p>5 A. I do. It's a tongue twister.</p> <p>6 Q. And is this the same Mr. Hamid that we 7 were talking about earlier?</p> <p>8 A. It would be.</p> <p>9 Q. Is that right? Now, your report 10 indicates that President Arafat signed this 11 document on August 12th, 2001, right?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever seen President Arafat 14 sign anything?</p> <p>15 A. No.</p> <p>16 Q. Do you, in fact, know if that is his 17 signature?</p> <p>18 A. Actually, I think at the time I -- 19 there was a discussion about this, and there were 20 a lot of people who verified his signature. I 21 could not have done that myself, but that was a</p>	<p style="text-align: right;">Page 301</p> <p>1 Q. The preceding sentence on Page 16 2 says, "Several documents seized in Operation 3 Defensive Shield, many of which bear Arafat's 4 signature, grant funding requests for the 5 families of suicide bombers and members of the 6 terrorist groups." Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Now, was this document that we're 9 talking about, the Hamid letter, seized in 10 Operation Defensive Shield?</p> <p>11 A. I believe so. I don't remember 12 offhand.</p> <p>13 Q. When did Operation Defensive Shield 14 take place?</p> <p>15 A. Defensive Shield took place, I think 16 it was 2004. It's probably in the report 17 somewhere. I apologize. I don't remember 18 offhand.</p> <p>19 Q. Okay. You would agree with me, in any 20 event, that Operation Defensive Shield took place 21 after July or August of 2001, right?</p>
<p style="text-align: right;">Page 300</p> <p>1 topic of kind of journalistic and scholarly 2 discussion at the time.</p> <p>3 Q. Okay. Can you give me the name of 4 anyone who verified that this signature was, in 5 fact, the signature of President Arafat?</p> <p>6 A. I can't. It's also probably one of 7 those things, but I also honestly can't tell you 8 specifically that it was. It was a topic of 9 discussion with Government officials when I would 10 try more generally to authenticate these types of 11 documents who did have Arafat's signature.</p> <p>12 Q. And, again, you can't tell me the name 13 of any person who has told you that this is, in 14 fact, Arafat's signature on this document?</p> <p>15 A. No. I honestly can't tell you -- I 16 know that I and others discussed this at the 17 time. There are places where his signature's 18 public. And Oslo Accords and other things are 19 places you can compare it to. But, ultimately, 20 this is not a forensic, you know, signature 21 analysis.</p>	<p style="text-align: right;">Page 302</p> <p>1 A. Yes.</p> <p>2 MR. HILL: Let us mark this as our 3 next exhibit, please.</p> <p>4 (Defendant's Deposition Exhibit Number 5 198 was marked for identification.)</p> <p>6 BY MR. HILL:</p> <p>7 Q. Sir, we've just marked Exhibit Number 8 198. This is another one of these IDF/MI 9 reports, right?</p> <p>10 A. Yes.</p> <p>11 Q. Turn, if you will, to Page 8 of this 12 document, Exhibit Number 198. That page 13 indicates that it's the copy of an original 14 document. Is this the document you're referring 15 to, the July 2001 letter on Page 16 of your 16 report?</p> <p>17 A. I believe so.</p> <p>18 MR. HORTON: Just so the record is 19 clear: We're referring to the page that appears 20 between 7 and 9. I don't see a Page Number 8 on 21 it. Is that correct?</p>

<p style="text-align: right;">Page 303</p> <p>1 MR. HILL: Agreed.</p> <p>2 Q. Now, there is what appears to be a 3 translation, or purports to be a translation of 4 this document on Page 6 and 7 of Exhibit 198, 5 right?</p> <p>6 A. Correct.</p> <p>7 Q. And it is, in fact, that translation 8 that you're relying on, right?</p> <p>9 A. Correct.</p> <p>10 Q. And you would agree with me that there 11 is nothing in this document that says what the 12 requested payments are for, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you would agree with me that 15 nothing in this document contradicts what Mr. 16 Hamid was quoted in the AP article as saying 17 these payments were for, namely, political and 18 social activities, right?</p> <p>19 A. There's nothing that says that one way 20 or the other.</p> <p>21 Q. So nothing contradicts Mr. Hamid's</p>	<p style="text-align: right;">Page 305</p> <p>1 Press.</p> <p>2 And since this document that we're 3 looking at now doesn't say one way or the other, 4 all we know is that Kamal Hamid said to the 5 Associated Press that the moneys he's asking for 6 are for social purposes. And then we see 7 evidence that he did, in fact, ask for sums of 8 money for people, some of whom are people who are 9 involved in militant activity, and it doesn't say 10 if it was for that militant activity, or if it 11 was for social activity.</p> <p>12 Q. But you regard this document as 13 evidence that the PA provided funds for 14 terrorism, right?</p> <p>15 A. This is evidence that the PA provided 16 funds to individuals who are engaged in 17 terrorism.</p> <p>18 Q. But the document, you agree with me 19 there's no indication of why that money was 20 provided?</p> <p>21 A. So you're familiar, of course, with</p>
<p style="text-align: right;">Page 304</p> <p>1 statement that's quoted in the AP, right?</p> <p>2 A. Neither confirms nor contradicts.</p> <p>3 Q. And Mr. Hamid, who is quoted in the 4 AP, is the same individual who purportedly wrote 5 this document dated July 2001, right?</p> <p>6 A. Yes.</p> <p>7 Q. This is an instance where we actually 8 know what the author says about what he meant, 9 right?</p> <p>10 A. No.</p> <p>11 Q. We do not. Why not?</p> <p>12 A. Because they're in two different 13 places, so we don't know that this document that 14 we're looking at now is part of that social 15 thing, or if this is something else.</p> <p>16 As we discussed yesterday, it doesn't 17 surprise when someone says to the press, "I'm 18 engaged in legitimate activity." May well have 19 been. But it also is possible that someone was 20 engaged in illegitimate activity and just was 21 smart enough not to say so to the Associated</p>	<p style="text-align: right;">Page 306</p> <p>1 the Material Support Statute, for example, in the 2 United States, where we, like many countries, and 3 presumably the Israelis, too, don't need to 4 demonstrate that if you give material support to 5 someone who's engaged in terrorism, that that is 6 given for -- as if good peace purposes or bad 7 purposes, you're giving money to people who 8 engage in terrorism. That's a problem.</p> <p>9 Q. I appreciate the answer, Dr. Levitt.</p> <p>10 It wasn't responsive to my question.</p> <p>11 A. I thought it was.</p> <p>12 Q. There's nothing in the document itself 13 that indicates the money was given for terrorism, 14 right?</p> <p>15 A. There's nothing that indicates that it 16 was or was not. It indicates that money was 17 given to individuals who at the time were engaged 18 in terrorism.</p> <p>19 Q. Now, your report says both that this 20 document was seized in Operation Defensive Shield 21 and at the Orient House in East Jerusalem, right?</p>

<p style="text-align: right;">Page 307</p> <p>1 A. You'll have to show me. I don't know. 2 Q. Well, on Page 12, the first paragraph, 3 you discuss this document as being seized at the 4 Orient House in East Jerusalem, right? 5 (Witness Reviews Document.) 6 A. Correct. 7 Q. And then on Page 16, you discuss this 8 document as being seized in Operation Defensive 9 Shield, right? 10 A. On page what? 11 Q. 16. 12 A. 16? 13 (Witness Reviews Document.) 14 A. Correct. 15 Q. And we've agreed that it couldn't have 16 been seized in Operation Defensive Shield because 17 that happened after the date of the letter, 18 right? 19 MR. HORTON: Objection. 20 A. No, you're misunderstanding. There's 21 no contradiction at all because the raids</p>	<p style="text-align: right;">Page 309</p> <p>1 A. If, in fact, that's the case, then 2 yes. 3 Q. Or an alternative explanation is that 4 what purports to be Arafat's signature dated 5 August 12th was added after the seizure, right? 6 A. What reports to be Arafat's signature 7 dated August 12th -- I'm sorry. Give me the date 8 again of what you're telling me was the date of 9 the Orient House? 10 Q. Let's try it this way: You would 11 agree with me that if this is an authentic copy 12 of Arafat's signature, he would have signed it 13 before the Orient House was seized if the 14 document was seized at Orient House, right? 15 A. Correct. 16 Q. Okay. So assuming Orient House was 17 taken over on August 10th, and assuming this 18 document came from the Orient House, that would 19 mean Arafat's signature was added after the 20 document was seized, right? 21 MR. HORTON: Object to the form.</p>
<p style="text-align: right;">Page 308</p> <p>1 happened after the date of the letter, not the 2 other way around. Had the letter been dated 3 after the raid, it would have not been something 4 they could have seized, but this was something 5 that was penned what appears to be maybe three 6 years earlier or thereabouts, so there were lots 7 of, you might call this more historical or older 8 documentation that was found during the raids 9 later on that presumably were in files or 10 something. 11 Q. Do you know when the Orient House was 12 taken over by the Israeli Government? 13 A. Not offhand. It may be in the report. 14 If not, it's something that's public information. 15 Q. Assume for these purposes that it was 16 August 10th, 2001. 17 A. Okay. 18 Q. Assuming that to be true, you would 19 agree, then, that your statement on Page 10 that 20 this was seized from the Orient House, has to be 21 incorrect, right?</p>	<p style="text-align: right;">Page 310</p> <p>1 A. Correct. 2 Q. And you don't have any idea if that's, 3 in fact, what happened? 4 A. I don't know if that's what happened 5 or if there's an error in my report, if it wasn't 6 seized at Orient House and I confused the 7 documents. 8 Q. Okay. Look, if you will, again at 9 Exhibit Number 197. 10 A. Okay. 11 Q. The sixth paragraph says, "Israeli 12 authorities have been pouring over some 100,000 13 documents seized from Orient House and a 14 neighboring building since they shut down the 15 semi-official Palestinian office in East 16 Jerusalem last August." Do you see that? 17 A. Yes. 18 Q. Skip down two paragraphs. "A document 19 recently uncovered by the ministry and given to 20 the Associated Press shows Arafat's signature on 21 a July 9th letter opposing a \$300 payment to Atef</p>

<p style="text-align: right;">Page 311</p> <p>1 Abayat, a leader of the Al Aqsa Brigades militia 2 in the West Bank town of Bethlehem." Do you see 3 that, sir?</p> <p>4 A. I do.</p> <p>5 Q. That's the same letter that we're 6 looking in Exhibit Number 198, isn't it?</p> <p>7 A. Right. So this report isn't written 8 so well, and I should have done it more 9 carefully, but so they're talking about stuff 10 seized from Orient House, and then the paragraph 11 before the one you read, "Some documents show," 12 blah, blah, blah, and then the paragraph you just 13 read, "A document recently uncovered by the 14 ministry," actually doesn't say if it was 15 uncovered by the ministry at Orient House or 16 elsewhere, so I should have been more specific 17 about that in the way I wrote it in my report.</p> <p>18 Q. So not only does this document not say 19 what the money is for, you have no idea where it 20 came from, right?</p> <p>21 A. Correct.</p>	<p style="text-align: right;">Page 313</p> <p>1 THE WITNESS: Do you need that 2 spelled?</p> <p>3 THE REPORTER: I will have a copy of 4 that to refer to. Thank you.</p> <p>5 Q. We're handing you what we've marked as 6 Exhibit Number --</p> <p>7 MR. HILL: Let's go off the record.</p> <p>8 (Brief Pause.)</p> <p>9 BY MR. HILL:</p> <p>10 Q. Dr. Levitt, you cite Footnote 54 for 11 the propositions that I just read, and the 12 citation is to the document that we've marked as 13 Exhibit Number 198, correct?</p> <p>14 A. 54, so let's see, that would be an 15 appendix to this. Correct.</p> <p>16 Q. And if you look at Page 12 of that 17 document, you will see the table that you're 18 referencing, right?</p> <p>19 A. Yes.</p> <p>20 Q. And the first document in that table 21 is this July 9th, 2001 letter that we've been</p>
<p style="text-align: right;">Page 312</p> <p>1 Q. You have no idea if Arafat's signature 2 was added after it was seized by the IDF?</p> <p>3 A. Well, that's not possible, is it, 4 because Arafat wasn't in their custody, so --</p> <p>5 Q. It's possible if somebody faked 6 Arafat's signature, isn't it?</p> <p>7 A. I suppose, but that was not -- that's 8 never been -- I've never seen that claimed. I 9 don't know that to be the case.</p> <p>10 Q. On Page 16 of your report, you also 11 describe in the last paragraph, you say, 12 "Included in an IDF report of the documents 13 captured in Defensive Shield is a table 14 summarizing the 'Financing of Fatah/Tanzim and Al 15 Aqsa Brigades Infrastructures and Activities by 16 Arafat and his Aides.' The table lists seven 17 distinct funding requests, five of which were 18 approved by Arafat; Arafat's senior aid and the 19 PA's General Security Apparatus financial head 20 Fuad Shubaki, oversaw the remaining two." Do you 21 see that?</p>	<p style="text-align: right;">Page 314</p> <p>1 discussing for the last little bit, right?</p> <p>2 A. Correct.</p> <p>3 Q. So your report actually refers to the 4 same letter three different times in three 5 different places, right?</p> <p>6 A. Correct.</p> <p>7 Q. And in one instance, it calls it a 8 July 2002 letter, and the other two instances, it 9 calls it a July 2001 letter, right?</p> <p>10 A. Correct. That appears to be a typo.</p> <p>11 Q. It's not transparent on the face of 12 your report that you've referred to the same 13 document three times, right?</p> <p>14 A. Why not?</p> <p>15 Q. Didn't it just take us a lot of work 16 to figure out that the same thing was cited on 17 three different occasions?</p> <p>18 A. I don't think it was that much work.</p> <p>19 I don't think it was being hidden in any way.</p> <p>20 It's just that it was being referred to on three 21 different source documents. But other than the</p>

<p style="text-align: right;">Page 315</p> <p>1 fact that there's apparently a typo in the date 2 in one, that does make it more complicated. 3 Q. And, in fact, you spelled Mr. Hamid's 4 name differently on two different occasions, 5 didn't you? 6 A. Correct. There is no proper, accurate 7 English translation, transliteration from the 8 Arabic, and so I tried to stick to the spellings 9 that are in each document, and apparently in the 10 documents they're spelled differently, possibly 11 because there's different translators. 12 MR. HILL: Let's mark this. 13 (Defendant's Deposition Exhibit Number 14 199 was marked for identification.) 15 BY MR. HILL: 16 Q. Dr. Levitt, this July 2001 letter from 17 Mr. Hamid that we've been talking about coincided 18 with a cease-fire declared by President Arafat; 19 did it not? 20 A. I'm sorry, you're going to have to 21 point me to what you're referring to.</p>	<p style="text-align: right;">Page 317</p> <p>1 that in July of 2001, President Arafat had 2 declared a cease-fire? 3 A. Yes. 4 Q. And that date does coincide with the 5 letter from Mr. Hamid to Mr. Arafat, right? 6 A. Almost. The letter is July 9th. This 7 is July 18th. I don't know what day of the week 8 that was, this refers to a Thursday or Monday, 9 but it's probably several days after the letter. 10 Q. But it's roughly in the same time 11 frame as a cease-fire, right? 12 A. Well, I don't know what roughly means. 13 It's either shortly before the cease-fire. 14 That's what it appears to be. 15 Q. And the alleged date of Mr. Arafat's 16 signature is when? 17 A. I'm sorry. 18 Q. It's August 12th, right? 19 A. That sounds right. 20 Q. It's on Page 16 of your report, right? 21 A. Of my report. That's even easier.</p>
<p style="text-align: right;">Page 316</p> <p>1 Q. As a general matter, the July letter 2 from Hamid to Arafat does coincide with Arafat 3 declaring a cease-fire, right? 4 A. I don't remember the dates. There 5 were several cease-fires. 6 Q. Well, look at this article that we've 7 marked as Exhibit Number 199. This is from 8 Haaretz, right? 9 A. Correct. 10 Q. And it's dated July 18th, 2001, right? 11 A. Correct. 12 Q. And it says in the fifth paragraph 13 down, "Yasser Arafat on Thursday night convened 14 an urgent session of the leader of all the 15 Palestinian political factions, in order to 16 emphasize the importance he places on maintaining 17 the cease fire that he declared Monday, and to 18 make clear his determination to see that the 19 cease fire is enforced." Do you see that? 20 A. I do. 21 Q. Does that refresh your recollection</p>	<p style="text-align: right;">Page 318</p> <p>1 I'm sorry. Where are we on Page 16? 2 Q. Page 16, in the first full paragraph, 3 the fourth sentence says, "Arafat's signature 4 dated August 12th, 2001?" 5 A. Yes. 6 Q. So the letter we've been talking about 7 coincides with the declaration of a cease-fire by 8 President Arafat, right? 9 A. The letter predates it. Its 10 consideration, apparently, is over the period of 11 the cease-fire. And the signature, apparently, 12 is either -- I don't know how long the cease-fire 13 went, but it may have come after the cease-fire. 14 Q. Okay. On Page 16, you reference 15 another document between Mr. Hamid and Mr. 16 Arafat, right? And this one's dated November 17 7th, 2001? 18 A. Correct. 19 Q. And look, if you will, at Exhibit 20 Number 198, which I believe also contains this 21 document. Look at Page 9. Is the document that</p>

<p style="text-align: right;">Page 319</p> <p>1 is translated on Page 9 and 10 the document 2 you're referring to on Page 16 of your report? 3 A. Yes. 4 Q. And the document indicates that Mr. 5 Hamid was requesting aid to the families of 6 people who had been killed, correct? 7 A. Yes. 8 Q. And there's no indication that the 9 money that was requested here was, in fact, paid, 10 right? 11 A. Correct. 12 Q. All right. And there's no indication 13 if that money was paid, what it was used for? 14 A. Correct. 15 Q. Now, it is true during the second 16 Intifada that the Israeli Government assassinated 17 people suspected of terrorism, right? 18 A. Yes, they -- 19 Q. On dozens of occasions, right? 20 A. I don't know what the number is. 21 Sometimes people were killed in battles.</p>	<p style="text-align: right;">Page 321</p> <p>1 Q. It's also true that the Israeli 2 Government has imprisoned a number of 3 Palestinians who were suspected of terrorism 4 during the second Intifada, right? 5 A. Correct. 6 Q. And it's also true that the Israeli 7 Government has imprisoned a number of 8 Palestinians who were suspected of funding 9 terrorists, right? 10 A. I don't know if I can think of a case 11 where someone was imprisoned solely for 12 financing, which doesn't mean it didn't happen. 13 I'm sure it's a violation of their laws. It is 14 ours. 15 Q. Do you know if Mr. Hamid suffered any 16 repercussions for sending the letters that you've 17 cited in your report? 18 A. I don't know if he suffered 19 repercussions, whether for this letter or 20 anything else he might have done. 21 Q. He wasn't assassinated by the</p>
<p style="text-align: right;">Page 320</p> <p>1 Sometimes people were targeted, much like the 2 U.S. does in different corners of the world as 3 well. 4 Q. It's also true that the Israeli 5 defense forces killed a number of Palestinians 6 who were not suspected of terrorism, right? 7 A. I don't know the case for the Israelis 8 intentionally killed someone who was not 9 suspected of terrorism -- 10 Q. Well, intentionally or not, thousands 11 of Palestinians were killed by IDF forces during 12 the second Intifada, right? 13 A. I don't know what the numbers are. 14 And I don't know, of those purported thousands, 15 how many of them were innocents, that people were 16 incidentally killed tragically, I'm sure. 17 Q. Regardless of the numbers, there were 18 some Palestinians that were killed by the IDF who 19 were not suspected of being terrorists during the 20 second Intifada, right? 21 A. Possibly. I don't know.</p>	<p style="text-align: right;">Page 322</p> <p>1 Israelis, as far as you know? 2 A. I don't recall. 3 Q. He wasn't imprisoned by the Israelis, 4 as far as you know? 5 A. I don't recall. 6 Q. Do you know whether he is, today, the 7 Governor of Hebron? 8 A. Not offhand. 9 MR. HILL: Why don't we break here for 10 lunch. 11 (Thereupon, a luncheon recess was 12 taken at 11:56 p.m.) 13 14 15 16 17 18 19 20 21</p>

<p style="text-align: right;">Page 323</p> <p>1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N 2 (1:04 p.m.) 3 BY MR. HILL: 4 Q. Dr. Levitt, you understand that you're 5 still under oath? 6 A. Yes. 7 Q. Did you speak with anyone about your 8 testimony over the lunch break? 9 A. No. I asked counsel if he and I could 10 speak about it, and he said he didn't know, so I 11 did not. 12 Q. Apart from you asking him if you could 13 talk to him and him saying he didn't know, there 14 was no other conversation about your testimony? 15 A. No. 16 Q. On Page 12 of your report, which you 17 should have in front of you. 18 A. Page 12? 19 Q. Yes, sir. In the second paragraph, 20 you in the second sentence say, "For example, a 21 poster of Majdi Musa Tayb Jaradat features the</p>	<p style="text-align: right;">Page 325</p> <p>1 Page 9 of Exhibit 200, correct? 2 A. Page 9 of Exhibit 200 does not appear 3 to be it. 4 Q. So just for the record, Footnote 30 5 does refer to Page 9 of Exhibit 200, right? 6 A. One second. It does. 7 Q. Okay. And that's an incorrect 8 citation, right? 9 A. Yes. 10 Q. That's a mistake in the report? 11 A. Correct. 12 Q. So look, if you will, at Pages 15 and 13 16 of Exhibit 200. 14 A. 15 and 16, yes. 15 Q. Isn't that, in fact, the poster that 16 you're referring to on Page 12 of your report and 17 Footnote 30? 18 A. That appears to be it, yes. So I have 19 the page number wrong there. 20 Q. Okay. And your report indicates that 21 the importance of this document is that it has a</p>
<p style="text-align: right;">Page 324</p> <p>1 logos of both Fatah and the AAMB and reads, 'The 2 National Palestinian Liberation Movement, Fatah, 3 and its military wing, the 'Al Aqsa Martyrs 4 Brigades' in Palestine, is extorting its 5 casualty, the commander on his last trip.' Do 6 you see that, sir? 7 A. I do. 8 Q. And you refer in Footnote 30 of your 9 report to, I believe it is Exhibit Number 198, 10 the document we previously looked at from the 11 IDF, right? 12 (No Response.) 13 MR. HILL: Let's mark this one. 14 (Defendant's Deposition Exhibit Number 15 200 was marked for identification.) 16 BY MR. HILL: 17 Q. Dr. Levitt, let me show you what we've 18 marked as Deposition Exhibit 200, which may, in 19 fact, be the document referenced in Footnote 30 20 of your report. 21 Footnote 30 of your report refers to</p>	<p style="text-align: right;">Page 326</p> <p>1 logo from Fatah and the AAMB, right? 2 A. Yes, that it's one document with both 3 logos on it. 4 Q. And the Fatah logo is a well-known 5 logo, right? 6 A. To some. Probably not to the average 7 person here on G Street. 8 Q. You could Google it and find it, 9 right? 10 A. You could. 11 Q. You don't have any idea who made this 12 document, right? 13 A. No. 14 Q. You don't have any idea if anyone 15 associated with Fatah authorized putting their 16 logo on this document? 17 A. No. 18 Q. And you would agree with me that 19 anyone with a computer and the necessary software 20 could have created this poster? 21 A. I'm not in the poster business. It is</p>

<p style="text-align: right;">Page 327</p> <p>1 probably something that requires more than your 2 home computer. These were large, glossy posters, 3 not something you'd print on your eight and a 4 half by eleven. But someone could have it done. 5 Q. It doesn't necessarily follow that 6 just because the Fatah logo was on a poster, that 7 it was authorized by Fatah, right? 8 A. I can't tell you that it was 9 authorized. What I can tell you is that posters 10 like this were very prominent, and it's not like 11 Fatah protested or took them down, either. 12 Q. Right. So you would agree with me, 13 sir, that you have no idea whether anyone at 14 Fatah authorized including this logo on this 15 poster?</p> <p>16 MR. HORTON: Object to the form. 17 A. I couldn't say. 18 Q. On Page 12, you also reference what 19 you describe as a certificate of appreciation for 20 the "fighting brother," Mahmud, M-A-H-M-U-D, 21 Jabari, J-A-B-A-R-I. Do you see that?</p>	<p style="text-align: right;">Page 329</p> <p>1 A. Yes. 2 Q. And would you agree with me that on 3 this copy, at least, that is completely 4 illegible? 5 A. I wouldn't say, "completely 6 illegible," but it's very small. It is hard to 7 read. 8 Q. And you would agree with me that you 9 don't have any way of knowing whether anyone at 10 Fatah authorized the creation of that stamp? 11 A. Correct. 12 Q. You don't know whether anyone at Fatah 13 authorized the affixing of that stamp to this 14 document? 15 A. Correct. 16 Q. Okay. And, in fact, you don't have 17 any idea who created this document, do you? 18 A. Correct. 19 Q. And you would agree with me that 20 anyone with the necessary computer or print shop 21 capabilities could have made a document that</p>
<p style="text-align: right;">Page 328</p> <p>1 A. Yes. 2 Q. And, again, the importance of this 3 particular certificate is that it has what you 4 describe as a hybrid Fatah/AAMB stamp, correct? 5 A. Yes. 6 Q. And in Footnote 31, you reference Page 7 9 of Exhibit 200. 8 A. Hopefully, I got it right this time. 9 There we go. 10 Q. And Page 9 does, in fact, contain the 11 translation provided by the IDF of the 12 certificate you're referring to, right? 13 A. Correct. 14 Q. And if you look at Page 10, that is 15 what purports to be the original of the 16 certificate, right? 17 A. Yes. 18 Q. Would you agree with me that the stamp 19 that you're referencing as a hybrid Fatah/AAMB 20 stamp is the thing that appears in the lower 21 left-hand corner?</p>	<p style="text-align: right;">Page 330</p> <p>1 looks like this, right? 2 A. Again, I don't know if they could have 3 done this on the computer, but you probably could 4 have had it done. 5 Q. Also on Page 12 of your report, you 6 reference a letter from AAMB members to Marwan 7 Barghouti. 8 A. Last paragraph? 9 Q. In the last paragraph of Page 12, 10 right? 11 A. Yes. 12 Q. And, again, you refer to the fact that 13 this letter has what you describe as a hybrid 14 stamp of Fatah and the AAMB, right? 15 A. Correct. 16 Q. Then in Footnote 33, you cite to Page 17 17 of Exhibit Number 200, right? 18 (Witness Reviews Document.) 19 A. Correct. 20 Q. And in this instance, on Page 17, we 21 have a translation of what purports to be this</p>

<p style="text-align: right;">Page 331</p> <p>1 letter, right?</p> <p>2 A. Correct.</p> <p>3 Q. But in this instance, do we have a</p> <p>4 copy of the original document?</p> <p>5 A. I believe that's what follows on 18.</p> <p>6 Q. And, again, you would agree with me</p> <p>7 that what you're referring to as the joint stamp</p> <p>8 is in the lower left-hand corner?</p> <p>9 A. That's right.</p> <p>10 Q. And just like the stamp we were</p> <p>11 talking about previously, you don't have any idea</p> <p>12 who made this or whether Fatah authorized it,</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. And you also don't have any idea who</p> <p>16 wrote this letter?</p> <p>17 A. Correct.</p> <p>18 Q. And you don't have any idea whether</p> <p>19 Mr. Barghouti actually received this letter,</p> <p>20 right?</p> <p>21 A. Correct.</p>	<p style="text-align: right;">Page 333</p> <p>1 letter in the specific southern area at this</p> <p>2 particular time, and suggests that they are</p> <p>3 looking to create one.</p> <p>4 Q. On Page 19 of your report -- I'm</p> <p>5 sorry, Page 13 of your report.</p> <p>6 A. Okay.</p> <p>7 Q. You refer to a poster of Firas,</p> <p>8 F-I-R-A-S, Sabhi, S-A-B-H-I, Ja'aber, J-A</p> <p>9 apostrophe A-B-E-R, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And this particular poster appears on</p> <p>12 Page 19 of Exhibit 200, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you indicate that this poster</p> <p>15 indicates ties between the AAMB and Fatah because</p> <p>16 Mr. Ja'aber is pictured on the poster wearing an</p> <p>17 AAMB kafiyah, K-A-F-I-Y-Y-A. Do you see that,</p> <p>18 sir? This is on Page 13 of your report.</p> <p>19 A. Right, I see it there. I'm not sure</p> <p>20 this is the right poster.</p> <p>21 Q. Well, let me pose a question, sir:</p>
<p style="text-align: right;">Page 332</p> <p>1 Q. Now, in the text of the letter on Page</p> <p>2 17 of Exhibit 200, the IDF translation says, "We,</p> <p>3 in the Al Aqsa Martyrs Brigades, Southern Area,</p> <p>4 request of you to cooperate with the brother</p> <p>5 carrying this letter, since we have requested him</p> <p>6 to establish a communications channel between us</p> <p>7 and yourself, so that we can handle several</p> <p>8 complicated problems that arose in our sector of</p> <p>9 the struggle, at this stage of our national</p> <p>10 period." Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. Now, you did not quote that language</p> <p>13 in your report, right?</p> <p>14 A. Correct.</p> <p>15 Q. Would you agree with me that the fact</p> <p>16 that this purports to be requesting that a</p> <p>17 communication channel be established, suggests</p> <p>18 that there was not a prior communications</p> <p>19 channel?</p> <p>20 A. It suggests that there's not a prior</p> <p>21 communication channel between whoever wrote the</p>	<p style="text-align: right;">Page 334</p> <p>1 The text I just read you from Paragraph 13 is</p> <p>2 associated with Footnote 35, right?</p> <p>3 A. The text you just read me is Footnote</p> <p>4 35, yes.</p> <p>5 Q. Right. And Footnote 35 refers to the</p> <p>6 document that we've marked as Exhibit 200, the</p> <p>7 IDF/MI report, called the Al Aqsa Martyrs</p> <p>8 Brigade, and the Fatah organization are one and</p> <p>9 the same, and Yasser Arafat is their leader and</p> <p>10 commander, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And Footnote 35 refers to Pages 15 to</p> <p>13 16 of Exhibit 200?</p> <p>14 A. Correct.</p> <p>15 Q. And when we look at Pages 15 and 16 of</p> <p>16 Exhibit 200, it is not the poster of Mr. Ja'aber,</p> <p>17 right?</p> <p>18 A. Correct.</p> <p>19 Q. That is, instead, the poster of Mr.</p> <p>20 Jaradat?</p> <p>21 A. Correct.</p>

<p style="text-align: right;">Page 335</p> <p>1 Q. So that's another error in the report?</p> <p>2 A. Correct.</p> <p>3 Q. Is the poster that appears on Page 19</p> <p>4 of Exhibit 200, the poster of Mr. Ja'aber that</p> <p>5 you're referring to on Page 13 of your report?</p> <p>6 A. That is the poster of Mr. Ja'aber, and</p> <p>7 the kafiyya is the one that's in the other one.</p> <p>8 I seem to have conflated the two.</p> <p>9 Q. So there's not only a mistake in the</p> <p>10 citation of the report? There's a mistake in</p> <p>11 which poster you're talking about?</p> <p>12 A. That's possible.</p> <p>13 Q. So are you now saying, sir, that the</p> <p>14 kafiyya that you're referring to on Page 13, is</p> <p>15 actually in the poster of Mr. Jaradat on Page 16</p> <p>16 of the IDF report?</p> <p>17 A. Just give me a minute, please, because</p> <p>18 it might have been a different picture.</p> <p>19 Well, the pictures are confused,</p> <p>20 that's clear, but I don't know if the picture</p> <p>21 that I was referring to is the one that's on 16</p>	<p style="text-align: right;">Page 337</p> <p>1 specific to them on it.</p> <p>2 Q. And what does the Al Aqsa Martyrs</p> <p>3 Brigade kafiyya say?</p> <p>4 A. I couldn't remember without seeing it</p> <p>5 in front of me.</p> <p>6 Q. And, in fact, based on the IDF report</p> <p>7 that we've looked at, you can't even figure out</p> <p>8 which picture the person is wearing it in, can</p> <p>9 you?</p> <p>10 A. There's clearly an error in the</p> <p>11 citations here, yes.</p> <p>12 Q. All right. You, again, mention that</p> <p>13 the poster of Mr. Ja'aber, which is on Page 19,</p> <p>14 has what you describe as Fatah and AAMB seals on</p> <p>15 it, right?</p> <p>16 A. Correct.</p> <p>17 Q. And, again, as we've discussed, anyone</p> <p>18 could have put those on there? There's no</p> <p>19 indication that was approved by Fatah, right?</p> <p>20 A. I couldn't say.</p> <p>21 Q. There's nothing on the document that</p>
<p style="text-align: right;">Page 336</p> <p>1 here. The copy that we have here is of very poor</p> <p>2 quality. There's a lot of dark ink, so I can't</p> <p>3 tell if he's wearing a kafiyya here or just a</p> <p>4 headband.</p> <p>5 Q. What is a kafiyya?</p> <p>6 A. A kafiyya is a head covering. It's</p> <p>7 like a scarf. It's a traditional, especially</p> <p>8 Palestinian, not only Palestinian, head covering,</p> <p>9 and you can wrap it around your head and -- it</p> <p>10 doesn't do me much good to signal without saying</p> <p>11 it, does it? You wrap it around your head and</p> <p>12 then you have something that goes around the top</p> <p>13 of your head to hold it in place.</p> <p>14 Q. What distinguishes an AAMB kafiyya</p> <p>15 from another type of kafiyya?</p> <p>16 A. Some kafiyyas would have logos printed</p> <p>17 on them. Most are just kind of black checker on</p> <p>18 white, or sometimes red checker on white, and</p> <p>19 sometimes you'd have some printed matter on them.</p> <p>20 So sometimes groups like Al Aqsa, but not only,</p> <p>21 would kind of print up ones that had material</p>	<p style="text-align: right;">Page 338</p> <p>1 indicates it was approved by Fatah?</p> <p>2 A. No.</p> <p>3 Q. Also on Page 13 of your report, you</p> <p>4 refer to, in the third paragraph on that page, a</p> <p>5 letter regarding, "The general situation among</p> <p>6 armed Fatah personnel in the District." Do you</p> <p>7 see that, sir?</p> <p>8 A. Yes.</p> <p>9 Q. And then you proceed to quote from</p> <p>10 that document, and in Footnote 36 you refer to</p> <p>11 yet another IDF report, right?</p> <p>12 A. Correct.</p> <p>13 MR. HILL: Let's mark this.</p> <p>14 (Defendant's Deposition Exhibit Number</p> <p>15 201 was marked for identification.)</p> <p>16 BY MR. HILL:</p> <p>17 Q. Dr. Levitt, I've handed you what we've</p> <p>18 marked as Exhibit 201, which is yet another one</p> <p>19 of these IDF/MI reports. This one's called, "The</p> <p>20 Palestinian Authority Employs Fatah Activists</p> <p>21 Involved in Terrorism and Suicide Attacks,"</p>

<p style="text-align: right;">Page 339</p> <p>1 correct?</p> <p>2 A. That's what it says.</p> <p>3 Q. And that's the document that's cited</p> <p>4 in Footnote 36 of your report, right?</p> <p>5 A. Let me just check because it's citing</p> <p>6 to one of the appendices. Correct.</p> <p>7 Q. And then if you look on Page 29 of</p> <p>8 Exhibit 201, we will find the material that you</p> <p>9 have quoted from in your report, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Now, according to Page 28 of</p> <p>12 the IDF report, this is a translation of</p> <p>13 something they have called Document 8, and it</p> <p>14 says, "Excerpts from a document of the General</p> <p>15 Intelligence Apparatus in the West Bank." Do you</p> <p>16 see that, sir?</p> <p>17 A. Yes.</p> <p>18 Q. And you would agree with me that this</p> <p>19 is only a portion of the underlying Arabic</p> <p>20 document that's been translated here?</p> <p>21 A. Correct.</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. Okay. Well, you quote this document,</p> <p>2 sir, for the proposition that, "Al Daruch refers</p> <p>3 to AAMB as 'the arms bearers of Fatah' and makes</p> <p>4 note of those 'arms bearers...who stand out in</p> <p>5 their...affiliation to Fatah'." Do you see that,</p> <p>6 sir?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And you're quoting</p> <p>9 language from Page 29 of the IDF report, right?</p> <p>10 A. Correct.</p> <p>11 Q. Sir, you would agree with me that when</p> <p>12 we look at the document itself, or at least the</p> <p>13 translation of the portions of the document the</p> <p>14 IDF has provided us on Page 29, that the acronym</p> <p>15 AAMB, or the words Al Aqsa Martyrs Brigade,</p> <p>16 appears only within parentheses, right?</p> <p>17 (Witness Reviews Document.)</p> <p>18 A. Correct.</p> <p>19 Q. Okay. So when you say that Al Daruch</p> <p>20 refers to the AAMB, actually, Al Daruch doesn't</p> <p>21 refer to the AAMB at all, does he?</p>
<p style="text-align: right;">Page 340</p> <p>1 Q. And you would also agree with me that</p> <p>2 this particular report does not include the</p> <p>3 Arabic original document?</p> <p>4 A. Not in the version we have here, no.</p> <p>5 Q. Do you believe you've ever seen a</p> <p>6 complete translation of the entire document?</p> <p>7 A. I don't recall.</p> <p>8 Q. Would it be important for you to read</p> <p>9 the entire document so you could understand the</p> <p>10 context of the document before you relied on it</p> <p>11 to support your opinions in the case?</p> <p>12 A. It would be preferable. It's not</p> <p>13 necessarily mandatory.</p> <p>14 Q. Does it give you any pause to rely on</p> <p>15 only the portions of the document that were</p> <p>16 selected by the IDF Military Intelligence group?</p> <p>17 A. Noting that they're excerpts, I would</p> <p>18 have preferred to have had the whole document.</p> <p>19 But what it has is -- there's no reason to</p> <p>20 question what's in there. It would have been</p> <p>21 better to have the whole document.</p>	<p style="text-align: right;">Page 342</p> <p>1 A. Al Daruch refers to prominent members</p> <p>2 of the AAMB, so he's referring to their</p> <p>3 personnel. He doesn't refer to the name of the</p> <p>4 group. But if you are talking about a bunch of</p> <p>5 baseball players who are all on the Yankees, I'll</p> <p>6 know you're talking about the Yankees in the</p> <p>7 context of what you're discussing. Here, too,</p> <p>8 Nasser Awis in particular, there are names</p> <p>9 throughout here that are clearly Al Aqsa Martyrs</p> <p>10 personnel.</p> <p>11 Q. Okay. It's not transparent from your</p> <p>12 report, sir, that you have inferred that Al</p> <p>13 Daruch is talking about the AAMB, right?</p> <p>14 A. Well, I don't know if -- I mean, I</p> <p>15 wouldn't agree with the way you're putting this,</p> <p>16 that there's some type of vague reference here.</p> <p>17 But, no, I write, "Al Daruch refers to</p> <p>18 AAMB." It could have been clear and said</p> <p>19 something like, "Al Daruch refers to AAMB</p> <p>20 personnel," which is or are people who are known</p> <p>21 to be AAMB.</p>

<p style="text-align: right;">Page 343</p> <p>1 Q. In the next sentence, you write, "He 2 also notes, 'The concept developed whereby the 3 arms bearers [i.e. AAMB] of the Fatah constitute 4 first and foremost a support for the Palestinian 5 Authority and its security apparatuses'." Do you 6 see that, sir?</p> <p>7 A. Yes.</p> <p>8 Q. And that language also appears without 9 the bracket on Page 29, right?</p> <p>10 A. On Page 29? (Witness Reviews Document.)</p> <p>11 A. Oh, I see. Yes.</p> <p>12 Q. And so you added, "I.e. AAMB," in the 13 bracket on Page 13, right?</p> <p>14 A. Yes, obviously, because of the nature 15 of the brackets, the hard brackets.</p> <p>16 Q. And, again, Mr. Al Daruch, he doesn't 17 use the phrase AAMB anywhere in this document 18 that you can find, right?</p> <p>19 A. Correct.</p> <p>20 Q. You have not spoken to Mr. Al Daruch</p>	<p style="text-align: right;">Page 345</p> <p>1 Q. All right. Right before the sentence 2 you quote in your report on Page 29, you write, 3 "Between the arms bearer" --</p> <p>4 A. I'm sorry. I'm sorry. On 29 or 13?</p> <p>5 Q. Let me rephrase. On Page 29 of 6 Exhibit 201, the IDF translation says in the 7 paragraph after the paragraph marked C, "Between 8 the arm bearers (of Fatah) and the security 9 apparatuses in the District (Tulkarm) several 10 problems arose. In some cases, this reached a 11 complete breakdown of relations (between the 12 security apparatuses and) the arms bearers and 13 lack of (joint) work with them." Do you see 14 that, sir?</p> <p>15 A. Yes.</p> <p>16 Q. First of all, the stuff in parentheses 17 is stuff added by the Israeli Government 18 translator, right?</p> <p>19 A. Yes.</p> <p>20 Q. And then you did not include that 21 sentence in your report?</p>
<p style="text-align: right;">Page 344</p> <p>1 about what he was talking about here, have you?</p> <p>2 A. No.</p> <p>3 Q. You haven't spoken to Mr. Tirawi, to 4 whom this is addressed, about what was meant in 5 this document, right?</p> <p>6 A. No.</p> <p>7 Q. You're purporting to tell us what the 8 alleged Palestinian author of this document meant 9 when he wrote it, right?</p> <p>10 A. I'm putting it in context.</p> <p>11 So, again, if you talk about a list of 12 people who are all affiliated with an 13 organization and you don't mention the name of 14 the organization, it's still clear who you're 15 talking about, right?</p> <p>16 If you talk about a bunch of Yankees 17 players, you're clearly not talking about the 18 Redsox dugout.</p> <p>19 So I make it clear that I am adding 20 this in and I don't purport to say that this is 21 what he said.</p>	<p style="text-align: right;">Page 346</p> <p>1 A. Correct.</p> <p>2 Q. Did you have someone look at that 3 sentence and see whether that was a fair English 4 rendering of what had been written in Arabic?</p> <p>5 A. I don't recall.</p> <p>6 Q. I've had another translator look at 7 this. I'd like to show you the translation I got 8 and see if it makes a difference to your opinion.</p> <p>9 MR. HILL: Let's mark this.</p> <p>10 (Defendant's Deposition Exhibit Number 11 202 was marked for identification.)</p> <p>12 BY MR. HILL:</p> <p>13 Q. So I'm showing you Exhibit Number 202, 14 which is a English translation of the Arabic 15 document which is attached thereto.</p> <p>16 Sir, does this appear to be the same 17 document that is partially translated in the IDF 18 report which is Number 201?</p> <p>19 A. I'll have to take your word for it.</p> <p>20 201, this version of it doesn't include the 21 Arabic. What you gave me does, which suggests</p>

<p style="text-align: right;">Page 347</p> <p>1 it's out there. And this is someone's 2 translation of what looks to be fairly similar, 3 yeah.</p> <p>4 Q. Well, if you'll look at the bottom of 5 the second page of the English, you will see this 6 translator's version of what we just read from 7 the IDF report on Page 29. The translation 8 that's contained in 202 says, "A number of 9 problems occurred between armed militias and the 10 security forces in the District. The attitude of 11 the militia during these problems was an attitude 12 of defiance and debauchery. This formed a 13 negative view by some brothers in the security 14 forces towards the militias to the point where 15 they boycotted them and absolutely refused to 16 deal with them. At this time, the view collapsed 17 that the arms bearers of Fatah, first and 18 foremost constitute a pillar and a support to the 19 PA and its security forces. What is odd in this 20 matter is that the militias unite with each other 21 to face any problems they have with the security</p>	<p style="text-align: right;">Page 349</p> <p>1 right?</p> <p>2 A. It is.</p> <p>3 Q. And you would agree with me that you 4 also cannot recollect whether you've seen a 5 translation similar to the one we've just marked 6 as Exhibit 202, prior to today?</p> <p>7 A. I'm sure I did not.</p> <p>8 Q. Does the translation that we've shown 9 you as Exhibit 202 change your opinion in any 10 fashion in this case?</p> <p>11 A. Well, in a situation like this -- and 12 it's not at all uncommon with translations, 13 especially from Arabic, where two translators can 14 come up with not just slightly different 15 variations, but very different translations that 16 change the meaning -- I'd want certainly a third 17 opinion.</p> <p>18 But in your hypothetical, if this were 19 to be determined to be the most accurate opinion, 20 what it does is change the way I would have used 21 this material, to demonstrate that there were</p>
<p style="text-align: right;">Page 348</p> <p>1 forces; in addition, they all resort to brother 2 'Hafes' to lead in managing such events and when 3 the problem ends, they all return to their 4 accustomed divisions and factions." Do you see 5 that, sir?</p> <p>6 A. I do.</p> <p>7 Q. All right. You are citing this 8 document as evidence that there's co-operation 9 between the PA and these militants, right?</p> <p>10 A. There's a relationship.</p> <p>11 Q. And, in fact, this translation that 12 I've just read to you suggests that the nature of 13 the relationship is that the militants are 14 opposed to the PA security forces, right?</p> <p>15 A. It demonstrates that there were times 16 when they were opposed, yes. And we've talked 17 about this. There were times of fluctuation for 18 sure.</p> <p>19 Q. You would agree that the difference in 20 the two translations we've looked at here is 21 material to the meaning of the Arabic document,</p>	<p style="text-align: right;">Page 350</p> <p>1 times when the Palestinian militias were out of 2 favor with the Palestinian security services, and 3 there were times when they were not, when they 4 worked together in tandem, which, in fact, was 5 the case.</p> <p>6 Q. This document doesn't say they worked 7 together in tandem, does it?</p> <p>8 A. You didn't ask -- you asked would it 9 have made a difference and how would I have used 10 it differently. So that's how I would have used 11 it differently, and then I would have gone on to 12 use other materials to show how they did work 13 together.</p> <p>14 Q. On Page 15 of your report, in the 15 third paragraph on that page, the second sentence 16 refers to, or says, "The seized documents include 17 a letter dated September 16th, 2001, from 18 'Palestinian Al Aqsa Martyrs Brigades' to Shubaki 19 requesting funds for electrical and chemical 20 materials to manufacture explosives." Do you see 21 that, sir?</p>

<p style="text-align: right;">Page 351</p> <p>1 A. I do.</p> <p>2 Q. And then Footnote 44 refers to another</p> <p>3 Israeli Government report, right?</p> <p>4 A. Correct.</p> <p>5 Q. And this one is prepared by a team</p> <p>6 headed by somebody called Danny Naveh, N-A-V-E-H,</p> <p>7 right?</p> <p>8 A. I'm sorry, I just lost my place.</p> <p>9 There we are. Yes.</p> <p>10 I'm sorry, I didn't hear if you said</p> <p>11 if this was another military or Israeli. It's</p> <p>12 Israeli. This one appears not to be military.</p> <p>13 Q. Right.</p> <p>14 MR. HILL: Let's mark this one.</p> <p>15 (Defendant's Deposition Exhibit Number</p> <p>16 203 was marked for identification.)</p> <p>17 BY MR. HILL:</p> <p>18 Q. Footnote 44 doesn't give us a pinpoint</p> <p>19 site within the document. I'd ask you to look at</p> <p>20 Pages 19 and 20 and tell me if that is the</p> <p>21 document that you're referring to in the text</p>	<p style="text-align: right;">Page 353</p> <p>1 enlarge original document in Arabic?"</p> <p>2 A. Correct.</p> <p>3 Q. And then you understand that what's</p> <p>4 described in English in the report as Document</p> <p>5 Number 2, purports to be a translation of that</p> <p>6 document?</p> <p>7 A. Correct.</p> <p>8 Q. Now, you say in your report that this</p> <p>9 letter is to someone named Shubaki. Who is</p> <p>10 Shubaki?</p> <p>11 A. Shubaki was a financial officer close</p> <p>12 to Yasser Arafat. He was involved with</p> <p>13 financing, among other things, purchase of</p> <p>14 weapons.</p> <p>15 Q. You would agree with me that the</p> <p>16 English translation provided by the Israeli</p> <p>17 Government on Pages 19 and 20 of this document,</p> <p>18 does not contain the word Shubaki?</p> <p>19 A. Correct.</p> <p>20 Q. So what's the basis for you saying in</p> <p>21 your report that this was to Shubaki?</p>
<p style="text-align: right;">Page 352</p> <p>1 associated with Footnote Number 44?</p> <p>2 (Witness Reviews Document.)</p> <p>3 A. Yes.</p> <p>4 Q. Now, this Page 19 does have what</p> <p>5 appears to be a very small version of a</p> <p>6 handwritten document printed on it, right?</p> <p>7 A. Right. Next to the previous document,</p> <p>8 not the one that we're discussing right now. At</p> <p>9 least in my version.</p> <p>10 Q. So which page is the Arabic version of</p> <p>11 the document that's referenced in connection with</p> <p>12 Footnote 44 of your report?</p> <p>13 A. It looks to me like that's -- if you</p> <p>14 go down further on Page 19, it says Document</p> <p>15 Number 2. Do you see that?</p> <p>16 Q. Okay. So the Arabic version of what</p> <p>17 we're talking about on Page 15 of your report</p> <p>18 associated with Footnote 44, is the document that</p> <p>19 appears in very small script on Page 20, right?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. And that's where it says, "Click to</p>	<p style="text-align: right;">Page 354</p> <p>1 A. The introduction, if you go back to</p> <p>2 Page 18 of Exhibit 203, the bottom of the page is</p> <p>3 a subhead, Examples of the Involvement of PA</p> <p>4 Apparatuses and Arms Procurement, and it begins,</p> <p>5 "In a letter addressed to Fuad Shubaki (Arafat's</p> <p>6 crony and confidant)," et cetera, et cetera.</p> <p>7 Q. But you would agree with me, sir, that</p> <p>8 the actual translation is not addressed to Mr.</p> <p>9 Shubaki?</p> <p>10 A. The translation is not addressed to</p> <p>11 anybody. It appears to be something that was</p> <p>12 part of a larger, maybe, collection of documents</p> <p>13 with this letter. It's a list. It's just a</p> <p>14 list. So, you now, if you received a list of</p> <p>15 anything in isolation, it probably wouldn't make</p> <p>16 much sense. Presumably, this came as part of</p> <p>17 something that was addressed to Fuad Shubaki, as</p> <p>18 it's explained here.</p> <p>19 Q. Sir, are you certain that what's being</p> <p>20 described at the bottom of Page 18, is the same</p> <p>21 document that is labeled as Document Number 2 on</p>

<p>1 19?</p> <p>2 A. That was my understanding.</p> <p>3 Q. Is it still your understanding now</p> <p>4 that you've read it again?</p> <p>5 A. Well, these are the only two documents</p> <p>6 that are included in this one subhead, so the</p> <p>7 implication is that these two documents came</p> <p>8 together in this letter to Fuad Shubaki.</p> <p>9 Q. But that's an implication you're</p> <p>10 drawing from something the Israeli Government</p> <p>11 wrote, right?</p> <p>12 A. This is something from the Israeli</p> <p>13 Government, yes.</p> <p>14 Q. That's not an implication you can draw</p> <p>15 from the documents themselves?</p> <p>16 A. The documents themselves don't include</p> <p>17 the letter to Shubaki, just the two apparent</p> <p>18 attachments.</p> <p>19 Q. So you're taking the Israeli</p> <p>20 Government's word for it that these documents</p> <p>21 were addressed to Shubaki?</p>	<p>Page 355</p> <p>1 A. I have not.</p> <p>2 Q. All right. So you're prepared to take</p> <p>3 the Danny Naveh's report's word for it that</p> <p>4 Document Number 2 on Page 19 was, in fact,</p> <p>5 addressed to Fuad Shubaki?</p> <p>6 A. I have no reason to doubt it.</p> <p>7 Q. How about the fact that the document</p> <p>8 doesn't say so, is that a reason to doubt it?</p> <p>9 A. Again, we're rehashing what we've</p> <p>10 already covered.</p> <p>11 What it says is it includes two</p> <p>12 examples of attachments, which are presented</p> <p>13 under one subhead, and a very organized document.</p> <p>14 Everything is clued into some subhead. These two</p> <p>15 are presented in a subhead that begins, "In a</p> <p>16 letter addressed to Fuad Shubaki."</p> <p>17 Q. Right. But you would agree, sir, that</p> <p>18 the letter addressed to Fuad Shubaki, described</p> <p>19 on Page 18, is not among the documents on Page 19</p> <p>20 or 20, right?</p> <p>21 A. That's right, as you asked and I</p>
<p>Page 356</p> <p>1 A. Yes.</p> <p>2 Q. Do you believe that that's an</p> <p>3 appropriate thing for you to do given the Israeli</p> <p>4 Government's obvious interest in this issue?</p> <p>5 MR. HORTON: Object to form.</p> <p>6 A. The Israeli Government has an interest</p> <p>7 in this issue, of course. It also has an</p> <p>8 interest in its public relations and making this</p> <p>9 part of its public relations and doing so in a</p> <p>10 way that isn't obviously flawed. So I think that</p> <p>11 it would be highly unlikely they'd go to such</p> <p>12 lengths to put out on their Foreign Ministry</p> <p>13 website a 48-page report, including all these</p> <p>14 documents, and make some of it up.</p> <p>15 Q. Are you aware, sir, that this report</p> <p>16 in particular has been greatly criticized as</p> <p>17 being a political document that's not factually</p> <p>18 accurate?</p> <p>19 A. No.</p> <p>20 Q. You've never heard that criticism of</p> <p>21 the Danny Naveh report?</p>	<p>Page 358</p> <p>1 answered before.</p> <p>2 Q. So you're just assuming that there is</p> <p>3 such a letter because the Naveh report says so?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever seen that letter?</p> <p>6 A. I don't think so.</p> <p>7 Q. So you're just prepared to take that</p> <p>8 on faith from the Israeli Government?</p> <p>9 A. Like we said earlier, I don't take</p> <p>10 anything just on blanket faith. All of this fits</p> <p>11 into a larger picture.</p> <p>12 Q. What did you do to confirm that there</p> <p>13 is such a letter addressed to Fuad Shubaki?</p> <p>14 A. I don't recall.</p> <p>15 Q. Also on Page 15, you refer in the next</p> <p>16 paragraph, the fourth paragraph on that page, to,</p> <p>17 "One document shows that PA General Intelligence</p> <p>18 passed to its Ramallah office a list of 232</p> <p>19 terrorists wanted by Israel, asking the office to</p> <p>20 'please inform the brothers whose names are</p> <p>21 mentioned above to take cautionary measures'."</p>

<p style="text-align: right;">Page 359</p> <p>1 Do you see that, sir?</p> <p>2 A. I do.</p> <p>3 Q. And for that proposition in Footnote</p> <p>4 45, you again refer to the Naveh report, right?</p> <p>5 A. Yes.</p> <p>6 Q. And you don't give me a pinpoint, but</p> <p>7 could you look at Page 18 of the Naveh report and</p> <p>8 tell me if the document you're referring to on</p> <p>9 Page 15 of your report at footnote, I guess, 45</p> <p>10 appears there?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And is that the document that's</p> <p>13 labeled on Page 18 of the Naveh report as</p> <p>14 Document Number 3?</p> <p>15 A. Yes.</p> <p>16 Q. And, again, what we've got here is a</p> <p>17 document where we have a partial translation from</p> <p>18 the Israeli Government, right?</p> <p>19 A. I don't know. We're not able to click</p> <p>20 on the original here and see. It does not appear</p> <p>21 to say that it's a partial translation, but that</p>	<p style="text-align: right;">Page 361</p> <p>1 Q. And where does it say that in the</p> <p>2 translation?</p> <p>3 A. Under Document 3, the names of 232</p> <p>4 terrorists wanted by Israel.</p> <p>5 Q. That's not the translation, sir.</p> <p>6 That's the Naveh report's characterization of the</p> <p>7 document, right?</p> <p>8 A. That's their summary, correct.</p> <p>9 Q. What the document actually says,</p> <p>10 according to the Israeli Government's</p> <p>11 translation, is, "Attached hereto is a form with</p> <p>12 the names of men wanted by the Israeli Occupation</p> <p>13 who are with you...." right?</p> <p>14 A. That portion is in quotes. I don't</p> <p>15 know if that's -- we'd have to look at the</p> <p>16 original for me to tell you definitively. But</p> <p>17 that appears to be a quote from the document,</p> <p>18 and -- so, yes, that's a quote from the document.</p> <p>19 Q. Okay. So you agree with me that as</p> <p>20 far as the translation of the document is</p> <p>21 contained in the Naveh report which you are</p>
<p style="text-align: right;">Page 360</p> <p>1 may be. It looks like it's quite a short</p> <p>2 document.</p> <p>3 Q. All right. So you've never spoken to</p> <p>4 the author of this document about its contents?</p> <p>5 A. Correct.</p> <p>6 Q. And you've never spoken to the</p> <p>7 addressee of the document about its contents?</p> <p>8 A. Correct.</p> <p>9 Q. You, in fact, have no idea if it, in</p> <p>10 fact, was received by the person it's addressed</p> <p>11 to?</p> <p>12 A. Correct.</p> <p>13 Q. Now, you say in your report that this</p> <p>14 document shows that, "PA General Intelligence</p> <p>15 passed to its Ramallah office a list of 232</p> <p>16 terrorists wanted by Israel," right?</p> <p>17 A. Yes.</p> <p>18 Q. Now, does the text of the document</p> <p>19 indicate that it is 232 terrorists wanted by</p> <p>20 Israel?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 362</p> <p>1 relying on, it does not say these 232 people are</p> <p>2 terrorists, right?</p> <p>3 A. Correct. Nor do I quote it as such in</p> <p>4 my report.</p> <p>5 Q. Right. But your report assumes that</p> <p>6 the 232 people on the list are terrorists wanted</p> <p>7 by Israel, right?</p> <p>8 A. Correct.</p> <p>9 Q. But the document itself, so far as you</p> <p>10 can read it in English, doesn't say terrorists?</p> <p>11 A. The document that I'm quoting does.</p> <p>12 Q. You're quoting the Naveh report?</p> <p>13 A. Correct.</p> <p>14 Q. So you're not relying on the primary</p> <p>15 source in this instance? You're relying on the</p> <p>16 Israeli Government report?</p> <p>17 A. This is both. This is the Israeli</p> <p>18 Government report and its presentation of the</p> <p>19 underlying document. I believe that the Israelis</p> <p>20 are probably in a good position to know how many</p> <p>21 people they wanted and why.</p>

<p style="text-align: right;">Page 363</p> <p>1 Q. Indeed. Did the Israelis release the 2 list of the 232 people so the rest of the world 3 could verify their claim that they were 4 terrorists?</p> <p>5 A. I don't know, but it's not usually 6 what's done in the world of security. Not by us 7 or them or others.</p> <p>8 Q. So there's really no way for us to 9 check and see whether the Israeli Government is being 10 being accurate when it characterizes these 232 11 people as terrorists, right?</p> <p>12 A. If, in fact, those names weren't made 13 public on this particular list, no.</p> <p>14 Q. You, nonetheless, are prepared to 15 assume that the Israeli Government is being 16 accurate when it characterizes the 232 people as 17 being terrorists, right?</p> <p>18 A. I think it's accurate to present the 19 232 people who are wanted by Israel as being 20 wanted by Israel and being wanted as terrorists 21 when that's what the Israelis say.</p>	<p style="text-align: right;">Page 365</p> <p>1 Q. So you believe it when the Israelis 2 tell you something, but you don't believe it when 3 the Palestinians tell you something, right?</p> <p>4 A. Not at all. I meet with the 5 Palestinians all the time, and they tell me 6 things all the time.</p> <p>7 Q. Did any Palestinian talk to you about 8 the 232 people on this list?</p> <p>9 A. It's possible. I don't know. I had 10 lots of meeting with Palestinians, Israelis, 11 Americans, all as this was going on, and it was 12 going on a lot in terms of the Israelis passing 13 lists, sometimes the Americans passing lists to 14 the Palestinians and the Palestinians warning off 15 people who were wanted for acts of terrorism.</p> <p>16 Q. You don't have any idea who's on this 17 list, do you?</p> <p>18 A. Not this particular list --</p> <p>19 Q. You don't have any idea what they were 20 wanted for, do you?</p> <p>21 A. You're going to have to repeat your</p>
<p style="text-align: right;">Page 364</p> <p>1 Q. So you're taking the Israelis' word 2 for it on what this list was?</p> <p>3 A. When the Israelis say there are 232 4 wanted terrorists, I think it's accurate to 5 report that the Israelis say there are 232 wanted 6 terrorists.</p> <p>7 Q. Yeah. But, sir, that's not what you 8 say in your report. You don't say that the 9 Israelis claimed it was a list of 232 wanted 10 terrorists. You say, "One document shows the PA 11 General Intelligence passed to its Ramallah 12 office a list of 232 terrorists wanted by 13 Israel," right?</p> <p>14 A. Yes.</p> <p>15 Q. And your only basis to believe that 16 this is, in fact, a list of terrorists is because 17 the Israeli Government told you so?</p> <p>18 A. And because Israel is a democracy, and 19 the likelihood of them wanting 232 people for 20 jaywalking is small. And, yes. So there's not a 21 reason to doubt that.</p>	<p style="text-align: right;">Page 366</p> <p>1 question since you were speaking while I was 2 speaking.</p> <p>3 Q. You don't have --</p> <p>4 MR. HORTON: Hold it. We got to make 5 sure we're speaking at separate times.</p> <p>6 Q. You don't have any idea why those 232 7 people were wanted by Israel, do you?</p> <p>8 A. I have reason to believe they're 9 wanted for terrorism.</p> <p>10 Q. Because the Israeli Government said 11 so?</p> <p>12 A. Exactly. Just like the FBI --</p> <p>13 Q. No other reason?</p> <p>14 A. Just like when the FBI says it wants 15 someone for violating a crime. You can take them 16 at face value that they want someone for 17 violating a crime.</p> <p>18 Q. Yeah, the FBI will give us the names, 19 though, won't they?</p> <p>20 A. Sometimes.</p> <p>21 Q. You say in the next sentence on Page</p>

<p style="text-align: right;">Page 367</p> <p>1 15, "In at least two instances, PA security 2 services knew of pending suicide attacks but took 3 no action to prevent them or inform Israeli 4 authorities," right? 5 A. Right. 6 Q. And that is also cited to Footnote 45, 7 right? 8 A. Correct. 9 Q. Which is to this same Naveh report 10 with no pinpoint site, right? 11 A. Correct. 12 Q. What are those two instances, sir? 13 A. I don't recall offhand. 14 Q. On Page 15, in the next sentence you 15 say, "According to other PA General Intelligence 16 documents seized by Israel, senior Palestinian 17 security officers - including Jamal Switat, 18 deputy head of PA Preventative Security in Jenin, 19 and an officer named Al Rah - supplied PIJ and 20 Hamas in the Jenin area with most of the weapons 21 in their possession.' Switat also recruited a</p>	<p style="text-align: right;">Page 369</p> <p>1 this footnote actually cited what you were 2 quoting? 3 A. It's unfortunate that somehow I left 4 off the page numbers consistently for this 5 report, especially since it's such a long report. 6 I apologize for that. But, yes, I went through 7 the full report. 8 Q. So you believe that the material 9 you're quoting from actually appears in the Naveh 10 report? 11 A. I would hope that it does. Otherwise, 12 it's a mistake in footnote. 13 It's also possible that the version 14 that I have of this includes the clicks to the 15 original documents, which might have more in them 16 than the summary provided here under Document 1, 17 and then the small bits of what appears to be 18 actual quoted material. 19 Q. Well, let me mark another exhibit and 20 see if this is actually what you're referring to. 21 (Defendant's Deposition Exhibit Number</p>
<p style="text-align: right;">Page 368</p> <p>1 suicide bomber from within PAGI, who carried out 2 a November 2001 suicide bombing in Afula." Do 3 you see that, sir? 4 A. I do. 5 Q. And you cite for that proposition 6 again to the Naveh report, right? 7 A. Correct. 8 Q. And you don't give me a pinpoint site 9 to it, but if you would look at Page 17, I see a 10 reference to Mr. Switat. Is that what you're 11 referring to? 12 (Witness Reviews Document.) 13 A. It's not clear. Let me -- hold on. 14 (Witness Reviews Document.) 15 A. I can't say if this is it. 16 Q. Okay. So that's another mistake in 17 the report, right? 18 A. I don't know. It's your time. We can 19 take the time to go through the 48 pages. 20 Q. Well, when you prepared the report, 21 did you go through the 48 pages and make sure</p>	<p style="text-align: right;">Page 370</p> <p>1 204 was marked for identification.) 2 BY MR. HILL: 3 Q. Dr. Levitt, we've handed you what 4 we've marked as Exhibit 204, which is a report 5 from something called the Intelligence and 6 Terrorism Information Center at the Center for 7 Special Studies. Do you see that, sir? 8 A. I do. 9 Q. That's the organization you were 10 referring to earlier that ultimately got custody 11 of the materials the IDF had seized? 12 A. Correct. 13 Q. The pages aren't numbered, but the 14 last two pages of the document contain what 15 appears to be Arabic, right? 16 A. Correct. 17 Q. And then there is, on the preceding 18 three pages, what is described as a translation 19 of the captured document. Do you see that, sir? 20 A. Right. Yes. 21 Q. And at the bottom of that page, the</p>

<p style="text-align: right;">Page 371</p> <p>1 third page of the document, you'll see there is a 2 reference to Mr. Switat and someone called Al 3 Rah, right?</p> <p>4 A. Correct.</p> <p>5 Q. So is this, in fact, the document that 6 you were referring to on Page 15 of your report?</p> <p>7 A. Let's see. The syntax is totally 8 different, so it's probably not in the exact same 9 document. Again, as we discussed earlier, often 10 the same document will be translated more than 11 once and have slightly different translations.</p> <p>12 Q. Do you believe the translation that 13 we're looking at in Exhibit 204 is the 14 translation of the Arabic document that you are 15 referring to on Page 15 in association with 16 Footnote 46?</p> <p>17 A. It appears to be a version of it, but 18 I can't confirm it right now.</p> <p>19 Q. And because of the nature of your 20 citation, we can't actually reconstruct which one 21 you looked at when you penned this particular</p>	<p>1 report. The page that has the Number 4 at the 2 top.</p> <p>3 A. Gotcha.</p> <p>4 Q. Right under the address and the Re 5 line, it indicates, "The source provided the 6 following information," right?</p> <p>7 A. Correct.</p> <p>8 Q. For the record, what is a source?</p> <p>9 A. A source is someone who provides you 10 information. Here in the context of 11 intelligence, intelligence services, whether it's 12 Palestinian or Israeli or American, will recruit 13 informants and, so, the source would be some type 14 of informant, or undercover, or something like 15 that. It could also be -- it doesn't have to be 16 a human source. Could be a telephone intercept. 17 And often in the report, to protect sources and 18 methods, you won't write what type of source. It 19 could be an overheat, an intercept, or something 20 like that, too.</p> <p>21 Q. There's no indication that this is an</p>
<p style="text-align: right;">Page 372</p> <p>1 portion of your report?</p> <p>2 A. Unfortunately.</p> <p>3 Q. Now, you're using this document to 4 indicate that senior Palestinian security 5 officers were involved with PIJ and Hamas, right?</p> <p>6 A. Correct.</p> <p>7 Q. For the record, what is PIJ?</p> <p>8 A. Palestinian Islamic Jihad.</p> <p>9 Q. And if this is, in fact, a document 10 from the PA General Intelligence Service, you 11 would expect the PA General Intelligence Service 12 would be monitoring people who were involved with 13 PIJ or Hamas, right?</p> <p>14 A. Yes. Sometimes monitoring, sometimes 15 helping.</p> <p>16 Q. Now, this document indicates on the 17 third page of the translation, right under the Re 18 line, that --</p> <p>19 A. I'm sorry, the third page of the 20 translation?</p> <p>21 Q. I'm sorry, the third page of the</p>	<p>1 electronic intercept, correct?</p> <p>2 A. There's no indication any way, one way 3 or the other.</p> <p>4 Q. Now, you would expect that the 5 Palestinian GIS would be interested if a member 6 of the Palestine Preventative Security was 7 involved in Hamas or PIJ, right?</p> <p>8 A. Yes.</p> <p>9 Q. This would be like the FBI reporting 10 that a CIA employee was a double agent, right?</p> <p>11 A. Roughly.</p> <p>12 Q. And, so, because this is intelligence, 13 have you done anything to verify that what the 14 source said about Mr. Switat, for example, was 15 true?</p> <p>16 A. No. In the category of things, it's 17 really not going to be something you can dig up.</p> <p>18 Q. Now, you would agree with me that 19 information from sources provided to intelligence 20 agencies is occasionally untrue?</p> <p>21 A. Occasionally.</p>

<p style="text-align: right;">Page 375</p> <p>1 Q. In fact, there have been some rather 2 notable instances where American intelligence has 3 received untrue information and relied on it to 4 America's detriment, right?</p> <p>5 A. Purportedly.</p> <p>6 Q. And sometimes sources provide 7 incorrect information because they are mistaken, 8 right?</p> <p>9 A. Could be.</p> <p>10 Q. Sometimes sources will provide 11 incorrect information because they want to get 12 even with somebody, right?</p> <p>13 A. It's possible.</p> <p>14 Q. And the bottom line, sir, is you have 15 no idea whether the information that's contained 16 in this document that purports to be from a 17 Palestinian intelligence source is accurate or 18 not?</p> <p>19 A. Well, it was seized from the 20 Palestinian intelligence offices, and you should 21 be able to know, based on how and where it was</p>	<p style="text-align: right;">Page 377</p> <p>1 Intelligence that was seized from their files 2 without their consent.</p> <p>3 Q. Is there any reason to believe that 4 Palestinian General Intelligence files are more 5 factually accurate than the intelligence files of 6 any other agency in the world?</p> <p>7 A. I'd have no way to know that.</p> <p>8 Q. You really don't have any basis to 9 know whether this is true or not, do you, sir?</p> <p>10 A. I disagree.</p> <p>11 Q. What is the basis for you to believe 12 that this statement from the unnamed source is 13 true?</p> <p>14 A. It can be presumed to have been 15 believed by the intelligence professionals who 16 collected the material, to have been true, 17 because they never work in isolation. And if 18 this material was found in their ongoing current 19 files, and there's no evidence to the contrary, 20 and was presented seized material, there's no 21 reason to create cockamamy stories about what</p>
<p style="text-align: right;">Page 376</p> <p>1 found, if it was something that was not believed 2 to be true.</p> <p>3 Q. How would you know that, sir?</p> <p>4 A. Because if it was not believed to be 5 true, it probably wouldn't be kept in the current 6 file of ongoing things about a target if they 7 believed it not to be true. There's a separate 8 place to keep stuff that you believe to be 9 fabricated or incorrect.</p> <p>10 Q. Which file was this one found in, the 11 fabricated file, or the "we believe it to be 12 true" file?</p> <p>13 A. I don't know.</p> <p>14 Q. You don't have any idea, do you?</p> <p>15 A. Correct.</p> <p>16 Q. You just assumed this is true?</p> <p>17 A. I take it at face value.</p> <p>18 Q. At face value, it's an intelligence 19 report that's not been verified, right?</p> <p>20 A. At face value, it's an intelligence 21 report from the files of Palestinian General</p>	<p style="text-align: right;">Page 378</p> <p>1 might have happened.</p> <p>2 Q. Well, sir, we don't know if there's no 3 evidence to the contrary because the Israelis 4 haven't released the rest of the files, have 5 they?</p> <p>6 A. I don't know if they have or not.</p> <p>7 Q. What do you mean you don't know if 8 they have or have not? You know how much 9 material the Israelis seized.</p> <p>10 A. No, I don't.</p> <p>11 Q. You say in your report they received 12 over 500,000 documents.</p> <p>13 A. Over 500,000. So do you know how many 14 were seized? I don't.</p> <p>15 Q. Were 500,000 documents made available 16 to the public?</p> <p>17 A. I have no idea.</p> <p>18 Q. You don't know how many documents were 19 made available to the public?</p> <p>20 A. A whole bunch of documents were made 21 public. Probably not 500,000. I don't know.</p>

<p style="text-align: right;">Page 379</p> <p>1 Probably a lot -- many of those were, you know, 2 not deemed relevant to the material that they 3 were trying to put forward.</p> <p>4 Q. Exactly. And if there was something 5 that indicated this was a false report, the 6 Israelis would have no interest in releasing 7 that, right?</p> <p>8 A. I don't think the Israelis would have 9 released the report if they had reason to believe 10 it wasn't accurate.</p> <p>11 Q. You don't think they would have 12 released it because it tended to incriminate a 13 Palestinian preventative security officer?</p> <p>14 A. I don't -- you're going to have to 15 actually pose a question.</p> <p>16 Q. You don't think at the time when the 17 Israelis were engaged in a PR campaign against 18 the Palestinian authority, that it was in their 19 interest to release this document because it 20 implicated a Palestinian Government official?</p> <p>21 MR. HORTON: Object to the form.</p>	<p style="text-align: right;">Page 381</p> <p>1 A. No.</p> <p>2 Q. In fact nobody, except the Israeli 3 Government, has had access to the universe of 4 documents they seized, right?</p> <p>5 A. Correct.</p> <p>6 Q. So you're dealing with a data set 7 where only a portion of the data has been made 8 available to the public, right?</p> <p>9 A. That's what happens with intelligence. 10 Like when we, the U.S. Government, released just 11 seven documents out of the treasure trove 12 collected at bin Laden's compound. Are we to 13 doubt those as seven cherry picked documents? I 14 suppose you could if you want to be a conspiracy 15 theorist. I'm not.</p> <p>16 Q. Have you asked to see the documents 17 the Israeli Government has not released?</p> <p>18 A. Again, let's even assume that it's not 19 over, but it's only 500,000 documents. It's just 20 not doable.</p> <p>21 Q. Has any scholar had access to those</p>
<p style="text-align: right;">Page 380</p> <p>1 A. I think it was in their interest to 2 release it if they believed it to be true. There 3 was so much of this going on, there was no need 4 to fabricate evidence. The issue, therefore, is 5 why would they release something that they 6 believed might not be true? I think what they 7 probably did is they tried to release those 8 pieces of information that either they could 9 verify or whatever. Why would they make stuff 10 up?</p> <p>11 Q. Well, I'm not suggesting they made it 12 up. I'm suggesting that maybe they cherry picked 13 it and only put out the ones they liked.</p> <p>14 A. Oh.</p> <p>15 Q. Do you have any basis to believe 16 that's not what happened?</p> <p>17 A. I have no reason to believe that it 18 did happen.</p> <p>19 Q. Well, you haven't actually looked at 20 the universe of documents the Israeli Government 21 seized, right?</p>	<p style="text-align: right;">Page 382</p> <p>1 materials the Israeli Government has not 2 released?</p> <p>3 A. I'm sure there are people who have had 4 more access than I have. I don't know who or how 5 much. I couldn't say.</p> <p>6 Q. Are you aware of any scholar in the 7 field that regards the limited number of 8 documents that the Israelis have released as a 9 representative sample of what they seized?</p> <p>10 A. What do you mean by "representative 11 sample"?</p> <p>12 Q. Well, you're familiar with the term, 13 aren't you, sir? What does a representative 14 sample mean?</p> <p>15 A. I'm not sure. Why don't you tell me.</p> <p>16 Q. Well, these documents weren't randomly 17 sampled by the Israelis from what they received 18 and released to the public, were they?</p> <p>19 A. I don't know. Presumably not, but 20 they didn't tell me. I'm not privy to that kind 21 of information. Presumably they went to the</p>

<p style="text-align: right;">Page 383</p> <p>1 documents, found documents either that they could 2 verify, they knew to be true, and certainly that 3 demonstrated the problems that they were trying 4 to expose, and made those public.</p> <p>5 Q. Why do you assume that, sir?</p> <p>6 A. Because I've had the opportunity to 7 work in the intelligence and law enforcement 8 field, and it's my experience that professionals 9 act professionally.</p> <p>10 Q. Even though the Israeli officials, 11 themselves, that were involved in this have said 12 Israeli Military Intelligence was engaged in 13 propaganda in connection with these materials?</p> <p>14 A. You have an Op Ed by two individuals 15 who I don't know and maybe have some type of chip 16 on their shoulder. Who knows?</p> <p>17 Here in this country, too, we have 18 former intelligence people that leave and are 19 angry and say all kinds of things. So I don't 20 know how much weight to give that at all.</p> <p>21 I haven't seen that. That's the</p>	<p style="text-align: right;">Page 385</p> <p>1 Q. Has anyone ever told you that U.S. 2 Government officials got to see more than the 3 public has seen?</p> <p>4 A. It's my understanding.</p> <p>5 Q. Who told you that?</p> <p>6 A. I don't recall.</p> <p>7 Q. Have you ever spoken to anyone at the 8 Palestinian intelligence agency about this 9 document?</p> <p>10 A. Not about this document specifically, 11 to my knowledge, but I have spoken to people 12 there.</p> <p>13 Q. Who have you spoken to at Palestinian 14 intelligence?</p> <p>15 A. I don't have their names.</p> <p>16 Q. You didn't speak to Mr. Daruch, who 17 wrote this report, did you?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. You didn't speak to Mr. Tirawi, to 20 whom the report is addressed, did you?</p> <p>21 A. I don't -- it's possible. I don't</p>
<p style="text-align: right;">Page 384</p> <p>1 document you produced. I haven't had a chance to 2 see who these people are or what their background 3 is or if they have a chip on their shoulder, what 4 have you.</p> <p>5 Q. Are you aware of any academic, other 6 than yourself, who will rely on the documents 7 being released by the Israelis as being factually 8 accurate?</p> <p>9 A. Sure.</p> <p>10 Q. Can you give me a name of someone?</p> <p>11 A. Not right now. But there are lots and 12 lots of other academics who have cited to this 13 material, and in parts because they, like I, went 14 and spoke with primarily U.S. officials to get 15 their sense, having gone through these documents, 16 and these documents, and presumably many more, 17 were made available to U.S. Government officials.</p> <p>18 Q. Why do you presume U.S. Government 19 officials saw many more?</p> <p>20 A. Because Israel and the United States 21 have a very close intelligence relationship.</p>	<p style="text-align: right;">Page 386</p> <p>1 think I've ever spoken with Tirawi.</p> <p>2 Q. You haven't spoken to Mr. Switat, 3 who's the subject of the report, have you?</p> <p>4 A. No.</p> <p>5 Q. Do you know what happened to him?</p> <p>6 A. No.</p> <p>7 Q. Have you spoken to Mr. Al Rah, who's 8 mentioned in the report?</p> <p>9 A. No.</p> <p>10 Q. Have any idea what happened to him?</p> <p>11 A. No.</p> <p>12 Q. On Page 15 of your report, the next 13 sentence in the last paragraph says, "Fatah bomb 14 makers like Mutasen Hammad prepared 15 explosives-laden suicide belts for both Al-Aqsa 16 and PIJ." Do you see that, sir?</p> <p>17 A. Yes.</p> <p>18 Q. The next sentence says, "For instance, 19 a joint PIJ-Fatah suicide attack at the old 20 central bus station in Tel-Aviv on January 25th, 21 2002 wounded 23 people." Do you see that, sir?</p>

<p style="text-align: right;">Page 387</p> <p>1 A. Yes.</p> <p>2 Q. And you cite in Footnote 48 something</p> <p>3 called, "Israel Defense Forces, 'The Fatah and</p> <p>4 the PA Security Apparatuses in the Jenin Area</p> <p>5 Closely Cooperate with PIJ and Hamas,' April 9th,</p> <p>6 2002." Do you see that, sir?</p> <p>7 A. Yes.</p> <p>8 Q. When you wrote this sentence that you</p> <p>9 cited in Footnote 48, did you look at that</p> <p>10 report?</p> <p>11 A. Presumably, yes.</p> <p>12 Q. Do you have a copy of it today?</p> <p>13 A. I don't have anything with me today.</p> <p>14 I should note, by the way, there's</p> <p>15 also a second citation in that footnote.</p> <p>16 Q. Yeah, there is, but I want to ask you</p> <p>17 about the first one because when I asked the</p> <p>18 plaintiffs' lawyer to give me a copy of that</p> <p>19 report, they said it no longer existed.</p> <p>20 A. It's possible. A lot of these reports</p> <p>21 that at one point were available on the Internet,</p>	<p style="text-align: right;">Page 389</p> <p>1 A. Yes.</p> <p>2 Q. So do you have any explanation for how</p> <p>3 a footnote in your report refers to something</p> <p>4 that nobody can find?</p> <p>5 A. That it was taken off the Internet,</p> <p>6 that possibly I didn't maintain a hard copy of</p> <p>7 it.</p> <p>8 Q. When did you last look at that</p> <p>9 document that's cited in Footnote 48?</p> <p>10 A. I don't recall.</p> <p>11 Q. Did you look at it in preparation of</p> <p>12 this report?</p> <p>13 A. Presumably.</p> <p>14 Q. On Page 16 of your report, you discuss</p> <p>15 these seven distinct funding requests that we</p> <p>16 were looking at before the lunch break. Let's</p> <p>17 see if we can find the document that's entitled</p> <p>18 Palestinian Authority Captured Documents Main</p> <p>19 Implications. I believe that one to be Exhibit</p> <p>20 Number 198.</p> <p>21 A. 198.</p>
<p style="text-align: right;">Page 388</p> <p>1 are not anymore.</p> <p>2 Q. So you're saying this was available on</p> <p>3 the Internet in March of 2013, and it no longer</p> <p>4 exists today?</p> <p>5 A. Possibly. I don't have it here in</p> <p>6 front of me. I couldn't tell you definitively.</p> <p>7 Q. So you would agree with me that I</p> <p>8 can't actually look at that citation and see if</p> <p>9 it says what you say it says?</p> <p>10 A. Without having it in front of us, no.</p> <p>11 I don't know that it's not available. I don't</p> <p>12 know that some archive search can't pull it up.</p> <p>13 But sitting here right now, I can't.</p> <p>14 Q. Did you look for that citation in</p> <p>15 connection with the subpoena that we had served</p> <p>16 on you?</p> <p>17 A. I'm sure.</p> <p>18 Q. Did you find it?</p> <p>19 A. If I found it, I provided it.</p> <p>20 Q. So the fact that I haven't got it, we</p> <p>21 can infer that you didn't find it, right?</p>	<p style="text-align: right;">Page 390</p> <p>1 Q. In your report on Page 16, you say,</p> <p>2 "The table" -- the last paragraph, "The table</p> <p>3 lists seven" --</p> <p>4 A. I'm sorry. Where?</p> <p>5 Q. Last paragraph, second sentence on 16.</p> <p>6 A. Right.</p> <p>7 Q. "The table lists seven distinct</p> <p>8 funding requests, five of which were approved by</p> <p>9 Arafat; Arafat's senior aid and the PA's General</p> <p>10 Security Apparatus financial head Fuad Shubaki,</p> <p>11 oversaw the remaining two."</p> <p>12 And then in Footnote 54 you refer to</p> <p>13 Appendix D of what we've marked as Exhibit Number</p> <p>14 198, right?</p> <p>15 A. Okay.</p> <p>16 Q. All right. And of these documents,</p> <p>17 Number 1 on Page 12 of Exhibit 198, is the July</p> <p>18 2001 letter from Mr. Hamid that we talked about</p> <p>19 before the lunch break, right?</p> <p>20 A. Correct.</p> <p>21 Q. And Number 2 is the September 2001</p>

<p style="text-align: right;">Page 391</p> <p>1 document that we talked about today before the 2 lunch break -- or after lunch break, right? 3 A. Yeah, that appears to be the same. 4 Q. And that was the one where we couldn't 5 find Mr. Shubaki's name on it, right? 6 A. From that particular source, which I 7 think was the Naveh report. 8 Q. And then Document Number 3, which 9 appears on 13 of Exhibit Number 198, references a 10 September 19th, 2001 document from someone called 11 Hussein, H-U-S-S-E-I-N, Al, A-L-Sheikh, 12 S-H-E-I-K-H. Do you see that, sir? 13 A. Yes. 14 Q. And we haven't talked about that one 15 yet, right? 16 A. I don't think so. 17 Q. If you'll look at the Naveh report? 18 A. What number is that? 19 Q. 203, at Page 10. 20 A. Page 10. 21 Q. Is the document that appears at the</p>	<p style="text-align: right;">Page 393</p> <p>1 don't. 2 MR. HILL: Let's mark this one. 3 (Defendant's Deposition Exhibit Number 4 205 was marked for identification.) 5 BY MR. HILL: 6 Q. Showing you what's been marked as 7 Exhibit Number 205, is this a different version 8 of this Naveh report? 9 A. It appears to be a different version 10 of the Naveh report. 11 Q. How many versions of the Naveh report 12 were there? 13 A. Well, presumably it's the same Naveh 14 report, I don't know, but it looks like probably 15 what you just handed me was probably more of the 16 original and what you -- let's say 205, and 203 17 is printed off the Ministry of Foreign Affairs, 18 the Israeli Ministry of Foreign Affairs' website, 19 so it appears that maybe that's what it looks 20 like once they put it on the Internet. This one, 21 205, does not appear -- it doesn't have a web</p>
<p style="text-align: right;">Page 392</p> <p>1 end of Page 10, the translation of which carries 2 over to Page 11, the document that's referred to 3 on the chart here? 4 A. Again, which number in the chart are 5 we up to here? 4 or 5? 6 Q. Exhibit Number 3 on the chart, is that 7 the document that's on Page 10 to 11 of the Naveh 8 report? 9 (Witness Reviews Document.) 10 A. I can't say for sure. It's from two 11 different reports. What I have here -- well, 12 what appears here on Page 13 of Exhibit 198 would 13 be to three people, and at least in the summary 14 here on Page 10 of 203 is -- appears to be two 15 people. So it's not clear this is the same 16 letter. 17 Q. It's possible, is it not, sir, that 18 what happened in the Naveh report is they omitted 19 one of the people, right? 20 A. I don't know. We could tell if we had 21 the rest of it here, which is accessible, but we</p>	<p style="text-align: right;">Page 394</p> <p>1 address at the top. 2 Q. Okay. Well, look, if you will, at 3 Page 20 of the second Naveh report that we've 4 marked and tell me if that appears to be the 5 document that's referenced in the table as Number 6 3 on Exhibit Number 198? 7 A. Yes. 8 Q. So you would agree with me, sir, that 9 on Page 20 of the second Naveh report, the 10 material that's in the parentheticals is added by 11 the Israeli Government translator, right? 12 A. Yes. I'm sorry. I didn't see it at 13 first. 14 Q. And you would agree with me, sir, that 15 there's no indication on this document that any 16 money was, in fact, paid, right? 17 A. Correct. 18 Q. And are you familiar with Mr. 19 Al-Sheikh? 20 A. I was at the time. 21 Q. Do you now if he has suffered any</p>

<p style="text-align: right;">Page 395</p> <p>1 adverse consequences for his role in this 2 particular document?</p> <p>3 A. I don't, do not.</p> <p>4 Q. There's nothing in the document that 5 indicates what the purpose of the money that's 6 requested is for, is there?</p> <p>7 A. No.</p> <p>8 Q. And this document, which is dated in 9 September of 2001, also coincides with a 10 cease-fire declared by President Arafat, right?</p> <p>11 A. Again, I don't recall the dates of the 12 cease-fire precisely. Last time we had it, we 13 were off a little bit, so it's somewhere around 14 there. I don't know if it predated it or 15 followed it. Most of these cease-fires are short 16 lived.</p> <p>17 MR. HILL: Let's mark this one.</p> <p>18 (Defendant's Deposition Exhibit Number 19 206 was marked for identification.)</p> <p>20 (Brief Recess.)</p> <p>21 BY MR. HILL:</p>	<p style="text-align: right;">Page 397</p> <p>1 September 20th, 2001, which is the next day, 2 right?</p> <p>3 A. Correct.</p> <p>4 Q. The first photograph of the Haaretz 5 article says, "President -- Palestinian Authority 6 Chairman Yasser Arafat convened Thursday night an 7 urgent session of the leaders of all the 8 Palestinian political factions to emphasize the 9 utmost importance he places on keeping the 10 cease-fire he declared and to make clear his 11 determination to see the cease-fire enforced."</p> <p>12 Do you see that, sir?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And that article reported that 15 meeting as occurring on the same day that the 16 document that's Page 20 of the Naveh report 17 purports to have President Arafat's signature, 18 right?</p> <p>19 A. It's not clear it's the same day but 20 it's somewhere within that week.</p> <p>21 Q. It's within a day, right?</p>
<p style="text-align: right;">Page 396</p> <p>1 Q. Dr. Levitt, I've shown you what we've 2 marked as Exhibit Number 206. This is another 3 article from Haaretz, right?</p> <p>4 A. Yes.</p> <p>5 Q. It's dated September 20th, 2001, 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And the document that we've been 9 looking at from Mr. Al-Sheikh purports to have 10 President Arafat's signature affixed on it on 11 September 19th, 2001, right?</p> <p>12 A. I'm sorry, I lost that one. What page 13 are we on?</p> <p>14 Q. On Page 20 of the second version of 15 the Naveh report, down at the bottom.</p> <p>16 A. Right.</p> <p>17 Q. It purports to have Yasser Arafat's 18 signature, the date is September 19th, 2001, 19 right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And this article is dated</p>	<p style="text-align: right;">Page 398</p> <p>1 A. Well, I don't know what day of the 2 week September 20th is. And then it says, 3 "Convened Thursday night," so.</p> <p>4 Q. Okay. If September 20th was a Friday, 5 then the meeting where he emphasized the 6 importance of keeping the cease-fire would be 7 exactly the same day that he purported to sign 8 the document that's shown on Page 20 of the Naveh 9 report, right?</p> <p>10 A. It would be.</p> <p>11 Q. Document Number 5 on Page 13 of 12 Exhibit 198, the chart that you referred to on 13 Page 16 of your report, relates to a document 14 that's supposedly dated January 20th, 2001, 15 right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And if you'll look at the 18 second version of the Naveh report on Page 21?</p> <p>19 A. Exhibit 205?</p> <p>20 Q. 205. Thank you.</p> <p>21 A. On page?</p>

<p style="text-align: right;">Page 399</p> <p>1 Q. 21. 2 A. 21. Okay. 3 Q. Does that document which is on Page 21 4 of Exhibit 205 appear to be the document that's 5 listed as Number 5 on Page 13 of Exhibit 198? 6 A. Yes. 7 Q. And, in fact, the document on Exhibit 8 21 shows the correct date is January of 2002, 9 right? Not 2001 as shown on the chart of 198? 10 A. Well, the fax -- oh, I see. No, 11 you're -- yes, January 2nd. 12 Q. So at the top there's a fax line, 13 January 20th, '02, right? 14 A. Right. 15 Q. And at the bottom there is a 16 translation that purports to be President 17 Arafat's signature dated January 7th, 2002, 18 right? 19 A. Correct. 20 Q. And, again, January 7th, 2002 was 21 coincident with a cease-fire that President</p>	<p style="text-align: right;">Page 401</p> <p>1 A. I have. 2 Q. Have you ever written about him? 3 A. Yes. 4 Q. Do you have any idea if the Israelis 5 killed him? 6 A. I think they did, and I don't remember 7 offhand, and I certainly don't remember the date. 8 Q. And this document does not indicate 9 what the monies that are requested here are for, 10 does it? 11 A. No. 12 Q. And it does not indicate whether the 13 money that's requested has, in fact, been -- was, 14 in fact, paid, right? 15 A. No. It appears to have been in the 16 works for some time because the bottom -- the 17 signature line is not January but July, for what 18 purports to be Yasser Arafat's signature. 19 Q. Are you familiar with the Israeli 20 convention of putting the day of the month before 21 the month of the year when they date documents,</p>
<p style="text-align: right;">Page 400</p> <p>1 Arafat had declared, right? 2 A. I don't know. 3 Q. Do you recall that there was a 4 cease-fire at the end of 2001 and beginning of 5 2002 that was broken when the Israelis 6 assassinated Ra'd Karmi? 7 A. There were lots of these cease-fires 8 that were broken by one or the other side. I 9 think this is one, if memory serves, we were 10 talking about yesterday, but I, to be honest, 11 don't have the dates of each of them memorized. 12 Q. Well, this letter that is shown on 13 Page 21 of the Naveh report purports to be from 14 Ra'd Al Karmi, right? 15 A. Correct. 16 Q. That is the same person that was 17 assassinated by the Israelis on January 14th, 18 2002, right? 19 A. I don't know. You'd have to show me 20 something to -- 21 Q. Have you ever heard of Ra'd Al Karmi?</p>	<p style="text-align: right;">Page 402</p> <p>1 sir? 2 A. So you're saying it's January 7th? 3 Q. That's what it appears to me, sir. Do 4 you have a reason to believe that's a date other 5 than January 7th? 6 A. Well, something's not adding up. 7 Either one of these dates is wrong or there's a 8 misprint or someone's using one type of dating in 9 one place or another. If, in fact, this is dated 10 January 20th, then it wasn't signed several days 11 earlier, unless it was post-dated or something 12 like that. 13 Q. Well, it could have been signed on 14 January 7th and faxed on January 20th, right? 15 A. Yes. Oh, I see. There's actually two 16 fax lines. I didn't realize the top one was a 17 fax line in this version you've given me on Page 18 21 of Exhibit 205. The one is clearly, a few 19 lines down, a fax printed out, very small writing 20 of the date. Fatah office's fax number, that's 21 clearly a fax line, but right at the top, under</p>

<p style="text-align: right;">Page 403</p> <p>1 Document Number 2, there's a date which I thought 2 was the printed date of the document based on 3 what you've given me here, but it was apparently 4 maybe a recreation, but it's a fax line of some 5 sort. And there's something odd with it because 6 it also has a date of September 29th, 1984. I 7 don't know exactly what that is.</p> <p>8 Q. Do any of these multiple dates cause 9 you to question the authenticity of this 10 document?</p> <p>11 A. Well, it's not clear that this is the 12 version of the document that is being referred to 13 here. We're combining multiple sources here.</p> <p>14 Q. Yeah. Have you actually studied this 15 document before you ended up citing the IDF 16 report, summarizing this document in your report?</p> <p>17 A. Yes, but I don't know that the one I 18 was using is the one that you're sharing with me 19 here in 205.</p> <p>20 Q. So you think there might be an 21 entirely different version of this document that</p>	<p style="text-align: right;">Page 405</p> <p>1 Q. Even though it doesn't say this is for 2 terrorism?</p> <p>3 A. Well, that's not what you asked.</p> <p>4 Q. Well, no, it doesn't say it was for 5 terrorism, does it?</p> <p>6 A. It doesn't say what it's for. It just 7 says to whom it's giving the funds, and the 8 individuals are individuals that are known to 9 have engaged in acts of terrorism.</p> <p>10 Q. And the document is dated at the time 11 when there was a cease-fire, right?</p> <p>12 A. Yes.</p> <p>13 Q. On Exhibit Number 198, the next 14 document in the list that you rely on is Document 15 Number 6, and this refers to a document that's 16 allegedly associated with Mr. Shubaki. Turn, if 17 you would, to Page 19 of the Naveh report.</p> <p>18 A. So that's 205 again?</p> <p>19 Q. I think this is the other one. I 20 think this is 203, Page 19.</p> <p>21 A. Okay. So the foreign affairs version?</p>
<p style="text-align: right;">Page 404</p> <p>1 you've seen?</p> <p>2 A. Well, at least in terms of that 3 header, where it says Document Number 2. That's 4 clearly not from the original. That's from this 5 report.</p> <p>6 And then the piece right under it, 7 where it's stating out it's a fax, that appears 8 to be someone typing up what is actually below.</p> <p>9 And the August date, the one from 10 1984, that just -- it actually appears in teeny, 11 teeny, tiny print below the actual fax printout 12 of the fax number, and it's been a long time 13 since we all used fax machines like that with the 14 curly, curly paper, but, you know, if you have it 15 programmed with some certain date, anything can 16 be printed out there, so that don't necessarily 17 mean anything.</p> <p>18 Q. But you think this document is 19 reliable support for your conclusion that the PA 20 was providing funds to terrorists, right?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 406</p> <p>1 Q. Um hum.</p> <p>2 A. Page 19? Okay.</p> <p>3 Q. And the document that appears on the 4 top of Page 19 is the document that's being 5 referenced on Page 13 at Number 6 of Exhibit 198, 6 right?</p> <p>7 A. It's hard to say. I wonder if it's in 8 the version in 205, which appears to have the 9 actual documents, as opposed to 203, which 10 doesn't have the documents. That would be a lot 11 easier.</p> <p>12 Q. Well, the document's right there on 13 Page 19, isn't it, sir?</p> <p>14 A. There's a translation, then there's a 15 teeny, tiny document, but we don't have full 16 documents.</p> <p>17 Q. Well, you can't read the Arabic 18 anyway, can you?</p> <p>19 A. No.</p> <p>20 Q. Why don't we work off Page 19 then.</p> <p>21 You would agree with me that the translation that</p>

<p style="text-align: right;">Page 407</p> <p>1 shows on Page 19 of the Naveh report that we've 2 marked as 203 doesn't have the name Shubaki on 3 it, right?</p> <p>4 A. Correct. We don't have the cover -- 5 in this version, at least, we don't have the 6 cover letter that appears to go with these two 7 lists. This is the same conversation we had 8 before the break, only we were then talking about 9 the second document in the series.</p> <p>10 Q. Exactly. And, in fact, you don't cite 11 that cover letter in your report, do you, sir?</p> <p>12 A. The cover letter's not here.</p> <p>13 Q. All right. On Page 17 of your report, 14 you reference a November 17th, 2001 letter to the 15 mayor of Bethlehem.</p> <p>16 A. Top of the page?</p> <p>17 Q. Yeah.</p> <p>18 (Defendant's Deposition Exhibit Number 19 207 was marked for identification.)</p> <p>20 BY MR. HILL:</p> <p>21 Q. We're showing you what we've marked as</p>	<p style="text-align: right;">Page 409</p> <p>1 Do you agree that this IDF report that you cited 2 in Footnote 56 is actually no longer in 3 existence?</p> <p>4 A. Sitting here right now, without being 5 able to check, I couldn't tell you. It's very 6 possible, I think likely, that this is the same 7 document, as I said, only with a different header 8 on it in terms of instead of IDF, they'll say 9 ITI.</p> <p>10 Q. Okay. Well, is the document that 11 you're quoting on Page 17 in this exhibit that 12 we've just marked?</p> <p>13 A. Let's look.</p> <p>14 (Witness Reviews Document.)</p> <p>15 A. What you have given me here is missing 16 material. We've got four pages, then Page 5 of 5 17 is basically blank other than the top shows a 18 seal. The next page is completely blank, and 19 then there's a completely separate document which 20 starts at Page 1 of 2.</p> <p>21 Q. So you would agree that this is not a</p>
<p style="text-align: right;">Page 408</p> <p>1 Exhibit Number 207. This is the document that 2 you cite in Footnote 56 on Page 17 of your 3 report, correct?</p> <p>4 A. Let's see. It appears like what I'm 5 citing to is a slightly earlier version. I don't 6 have it cited to this ITIC Center, but it appears 7 to be the same document.</p> <p>8 Q. So you're actually citing to an IDF 9 report here, right?</p> <p>10 A. As we discussed, that's usually how 11 these first came out, as an IDF report or an 12 ITI/MI report and then were publicized through 13 this, the Center.</p> <p>14 Q. And have you seen this IDF report 15 lately?</p> <p>16 A. Like I said, I think this is it, just 17 added a version that's printed up on this website 18 subsequently.</p> <p>19 Q. Okay. So when I asked the plaintiffs' 20 lawyers to send me this document, this was 21 another one they told me didn't exist anymore.</p>	<p style="text-align: right;">Page 410</p> <p>1 different version of the IDF report that you've 2 cited, right?</p> <p>3 A. Well, again, it may still be. It's 4 just an incomplete one. I don't know where you 5 got this or -- this is actually from the way-back 6 machine. This is an archive website, which will 7 archive what they found available, so apparently 8 they found available portions of the report 9 probably for technical reasons that are well 10 beyond me, but not the whole thing.</p> <p>11 Q. Well, look back at the Naveh report 12 that we've marked as Exhibit Number 203.</p> <p>13 A. Okay. Hold on, please. 203.</p> <p>14 Q. And on Page 47 and 48, tell me if 15 that's the document, or at least a translation of 16 the document you're referring to on Page 17.</p> <p>17 MR. HORTON: Is that Page 47?</p> <p>18 THE WITNESS: The last two pages, Page 19 47.</p> <p>20 A. Yes, this appears to be the same 21 letter.</p>

<p>1 Q. Okay. And you used this letter to 2 indicate that there's a connection between Fatah 3 and AAMB, again because somebody wrote Fatah and 4 AAMB on the document, right?</p> <p>5 A. Well, that's certainly as one of the 6 take-aways, though this isn't -- not in that 7 section of the report. This is in a section of 8 the report on the involvement of the Palestinian 9 Authority in terrorism more generally.</p> <p>10 Q. So you think this document indicates 11 the Palestinian Authority was involved in 12 terrorism?</p> <p>13 A. It indicates a relationship between 14 the Palestinian Authority and a group that was 15 engaging in terrorism.</p> <p>16 Q. Now, the Naveh report on Page 46, in 17 Paragraph 2b --</p> <p>18 A. 46?</p> <p>19 Q. Paragraph 2b refers to this letter as 20 being sent by a protection racket. Do you see 21 that, sir?</p>	<p>Page 411</p> <p>1 A. I couldn't tell you.</p> <p>2 Q. Well, in any event, the November 17th 3 document that you cite in your report does not 4 contain any indication that any money was paid as 5 a result of receiving that document, does it?</p> <p>6 A. The November 17th document?</p> <p>7 Q. The one you cite that's on -- the 8 translation of which is apparently on Page 47 and 9 48 of the Naveh report doesn't indicate that any 10 money was paid?</p> <p>11 A. Well, it indicates that -- I'm in the 12 first full paragraph on the last page. It's Page 13 48 of 203. Towards the end of that paragraph, it 14 does indicate that we want, "To draw your 15 attention to the fact and tell you that we pay 16 the LC Public Trade Company, owned by Faez 17 Hazboun, a sum which does not exceed 5,000 18 shekels a month as fees used for the 19 communication sets by military armed personnel."</p> <p>20 Then there's a note which is clearly added.</p> <p>21 Q. Right. But there's no indication in</p>
<p>1 A. 2b. 2 (Witness Reviews Document.) 3 A. No, that's referring to a different 4 document. If you'll flip back, please, to Page 5 45 at the bottom, which is where this begins. 2b 6 is a continuation of this discussion. It says, 7 subhead, "Bethlehem - Mistreatment of the 8 Christian Population. 1. A document captured by 9 the IDF in Bethlehem during Operation Defensive 10 Wall concerns a request by," and continues to 11 discuss this document and a request dated 12 November 7th, 2001, and then continues to discuss 13 this document in 2a and 2b and 2c, so it appears 14 that that's actually a completely different 15 document.</p> <p>16 Q. So you think that there's actually two 17 documents sent to the PA in Bethlehem, one on 18 November 7th and one on November 17th?</p> <p>19 A. That's what appears to be here.</p> <p>20 Q. Well, where's that November 7th 21 document?</p>	<p>Page 412</p> <p>1 A. All we have is what it says in the 2 letter. He mentions that this fee is being paid 3 or has been paid, but not what will be 4 subsequently paid because of the letter.</p> <p>8 Q. Okay. But it doesn't say that that 9 amount was paid by the Bethlehem mayor, does it?</p> <p>10 A. No. It's to the Bethlehem mayor.</p> <p>11 Q. Right.</p> <p>12 A. It's from Fatah Al Aqsa Martyrs.</p> <p>13 Q. Right. So the author is not named on 14 the document, right?</p> <p>15 A. Correct.</p> <p>16 Q. And you haven't spoken to the author?</p> <p>17 A. Correct.</p> <p>18 Q. You haven't spoken to the Bethlehem 19 mayor who received it, right?</p> <p>20 A. Correct.</p> <p>21 Q. On Page 18 of your report, you make</p>

<p style="text-align: right;">Page 415</p> <p>1 reference in the third paragraph on that page to 2 a report entitled, "International Financial Aid 3 to the Palestinian Authority redirected to 4 Terrorist Elements." Do you see that?</p> <p>5 A. No. Hold on a second. This is the 6 paragraph that starts, "The 500,000"?</p> <p>7 Q. No. The one above that.</p> <p>8 A. Yes.</p> <p>9 Q. And are you aware that the European 10 Union considered this report and determined that 11 the conclusions it contained were unwarranted?</p> <p>12 A. No.</p> <p>13 Q. Did you think it was important to 14 consider the EU's response to this report before 15 you determined whether you would rely on the 16 report to support your opinions?</p> <p>17 A. I did. In fact, I met with the 18 Europeans about this.</p> <p>19 Q. You did? What was the name of the 20 Europeans that you met with about this, sir?</p> <p>21 A. I don't recall. It was a meeting in</p>	<p style="text-align: right;">Page 417</p> <p>1 from one person directly to someone who's 2 carrying out an attack for the express purpose of 3 carrying out the attack, the EU wasn't going to 4 cut back the funding which it felt was critical 5 for the sustenance and the continued viability of 6 the Palestinian Authority, which it and the U.S. 7 Government, for that matter, saw as a primary 8 interest.</p> <p>9 Q. Sir, you did not cite the EU's 10 response to this Israeli report in your report, 11 did you, sir?</p> <p>12 A. No.</p> <p>13 Q. You just cited the Israeli Government 14 report, right?</p> <p>15 A. Correct.</p> <p>16 Q. Also on Page 18, you refer to someone 17 named Abu, A-B-U, Hanud, H-A-N-U-D, right?</p> <p>18 A. Yes. Mahmud, M-A-H-M-U-D?</p> <p>19 Q. Right.</p> <p>20 A. Abu Hanud.</p> <p>21 Q. Right. And you indicate that in the</p>
<p style="text-align: right;">Page 416</p> <p>1 Brussels with Middle East officials.</p> <p>2 Q. You can't come up with one name of a 3 person that you met?</p> <p>4 A. No.</p> <p>5 Q. Did you convince them that the 6 Israelis were right?</p> <p>7 A. No. My job is not to convince the 8 Europeans the Israelis are right or wrong. It 9 was to have a discussion and really more for them 10 to speak and for me to get a sense of their on 11 the issue.</p> <p>12 Q. And their position on the issue was 13 that, "On the basis of information currently 14 available to the European Anti-Fraud Office, the 15 investigation has found no conclusive evidence of 16 support of armed attacks or unlawful activities 17 financed by the European Commission's 18 contributions to the PA budget," right?</p> <p>19 A. That was ultimately part of the 20 report. In fact, it was much more complicated 21 than that, but so long as a dollar wasn't handed</p>	<p style="text-align: right;">Page 418</p> <p>1 second sentence of the second paragraph on Page 2 18, "Abu Hanud was released from prison in 3 October 2000 and immediately orchestrated a 4 number of Hamas suicide bombing attacks targeting 5 Israeli civilians. He was later killed by 6 Israeli forces." Right?</p> <p>7 A. Correct.</p> <p>8 Q. And you cite for that proposition 9 Footnote Number 61, right?</p> <p>10 A. Yes.</p> <p>11 Q. And that is a Washington Post article, 12 right?</p> <p>13 A. It is a Reuters article and a 14 Washington Post article.</p> <p>15 MR. HILL: So let's mark this one. 16 (Defendant's Deposition Exhibit Number 17 208 was marked for identification.)</p> <p>18 BY MR. HILL:</p> <p>19 Q. So, sir, Exhibit Number 208 is a 20 printout of The Washington Post article that you 21 cite in Footnote 61 of your report, right?</p>

<p style="text-align: right;">Page 419</p> <p>1 A. It looks like it. It's not the exact 2 same edition. Mine is the November 24th edition, 3 and this is the final edition that came out on 4 the 25th.</p> <p>5 Q. Any reason to think that this is the 6 wrong article?</p> <p>7 A. Not a question of wrong. I'm sure 8 it's the same article, but there can be slight 9 differences.</p> <p>10 Q. And do you regard The Washington Post 11 as a reliable press source, as press sources go?</p> <p>12 A. Yes.</p> <p>13 Q. On Page 2 of this printout, the eighth 14 paragraph down says, "He was still a prisoner on 15 May 18th when Israeli F-16 jets struck the prison 16 where he was incarcerated, the first aerial 17 bombing in the West Bank since the 1967 Middle 18 East War. The strike was in retaliation for a 19 suicide bombing in the Israeli coastal resort of 20 Netanya earlier in the day, which killed five 21 people. Israeli officials acknowledge that the</p>	<p style="text-align: right;">Page 421</p> <p>1 Q. Do you believe it's misleading to have 2 said in your report that he was released when the 3 reason he got out of jail was because the jail 4 was bombed?</p> <p>5 MR. HORTON: Objection to the form.</p> <p>6 A. It doesn't say here that that's 7 actually what happened. It says here that the 8 jail was bombed, and then they kind of decided 9 they couldn't continue to hold him because he was 10 made into a folk hero, so you're going to have to 11 go somewhere else to find someone who's going to 12 say that the bombing of the jail was a good idea. 13 I don't.</p> <p>14 But the fact is that here is a guy who 15 had multiple murders on his hands, was in jail, 16 and it's like my kids. If one kid does something 17 wrong, it doesn't mean the other one can do 18 something wrong either. Abu Hanud is someone who 19 should have stayed in jail and didn't, went back 20 to more terrorism, and that's a problem. 21 It's also a problem that the Israelis</p>
<p style="text-align: right;">Page 420</p> <p>1 target of their planes was Abu Hanud." Do you 2 see that, sir?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall that the Israelis used 5 F-16 jets to bomb a Palestinian jail in the West 6 Bank to try and kill Abu Hanud?</p> <p>7 A. Yes.</p> <p>8 Q. The next paragraph says, "Eleven 9 Palestinian policemen were killed in the bombing 10 raid, which reduced a large section of the 11 Palestinian security headquarters in Nablus to 12 rubble, but Abu Hanud survived virtually 13 unscathed and went free. Palestinian officials 14 said Israeli attempts to kill Abu Hanud had made 15 him into a folk hero and they could hardly 16 continue to hold him." Do you see that, sir?</p> <p>17 A. Yes.</p> <p>18 Q. Now, you refer in your report to 19 Hanud's leaving the prison in Nablus as a 20 release, right?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 422</p> <p>1 bomb the jail with an F-16.</p> <p>2 Q. What do you think the PA should have 3 done after the Israelis blew up the jail that was 4 holding him?</p> <p>5 A. They should have put him in another 6 jail.</p> <p>7 Q. So the Israelis could blow that one 8 up, too?</p> <p>9 A. Well, what they should have done is 10 put him in another jail and come to us, the 11 Americans and the Europeans, et cetera, and said, 12 "We're only going to continue to hold people if 13 this kind of rule will be respected, and he's in 14 jail. If he's in jail, he's in jail. That's not 15 fair game."</p> <p>16 Q. In fact, the Israelis repeatedly 17 targeted PA security facilities for bombings 18 during the second Intifada, didn't they?</p> <p>19 A. There were some instances where they 20 hit Palestinian security facilities because they 21 found that these Palestinian security facilities</p>

<p style="text-align: right;">Page 423</p> <p>1 were being used as places to harbor individuals 2 and engage in attacks. Again, I might have made 3 a different call, but this was the nature of 4 dealing with a peace partner who was proclaiming 5 peace and proclaiming cease-fires on the one hand 6 and doing other things to undermine the peace 7 process on the other hand, often at the very same 8 time.</p> <p>9 We've seen these payments to known 10 individuals who have been engaging in terrorism 11 that were going on at the very same time as a 12 cease-fire.</p> <p>13 Q. On Page 9 of your report, you quote 14 someone named Marwan, M-A-R-W-A-N, Zaloum, 15 Z-A-L-O-U-M, right?</p> <p>16 A. Page 9? Where are you on Page 9?</p> <p>17 Q. Second paragraph.</p> <p>18 A. Yes.</p> <p>19 Q. And you've not spoken to Mr. Zaloum, 20 right?</p> <p>21 A. Right.</p>	<p style="text-align: right;">Page 425</p> <p>1 'vehement' condemnation of yesterday's Jerusalem 2 bombing, as the U.S. declared that the Al Aqsa 3 Martyrs Brigade was being added to the U.S. list 4 of terrorist organizations, along with al-Qaida."</p> <p>5 Now, you did not quote the portion of 6 this article that mentioned that President Arafat 7 had condemned that bombing, did you?</p> <p>8 A. No. Of course I wasn't talking about 9 the bombing here. I was not writing about the 10 bombing here.</p> <p>11 Q. And so you acknowledge that President 12 Arafat made that statement, right?</p> <p>13 A. Yes. I don't remember it, but there's 14 no reason to question this media account.</p> <p>15 Q. If you look at the ninth paragraph 16 down, it says, "We condemn the action in west 17 Jerusalem, particularly because it was aimed at 18 innocent Israeli citizens," said Arafat, who went 19 on to say that the PA 'will continue to invest 20 every effort to ensure the success of Zinni's 21 mission and of that of the 'Quartet', to stop the</p>
<p style="text-align: right;">Page 424</p> <p>1 Q. Now, you cite an article in Footnote 2 Number 10 containing that quote from Mr. Zaloum, 3 right?</p> <p>4 A. Correct.</p> <p>5 MR. HILL: Let's mark this.</p> <p>6 (Defendant's Deposition Exhibit Number 7 209 was marked for identification.)</p> <p>8 BY MR. HILL:</p> <p>9 Q. This is another article from Haaretz, 10 right?</p> <p>11 A. Yes.</p> <p>12 Q. This is what you cite in Footnote 10 13 of your report, right?</p> <p>14 A. Correct.</p> <p>15 Q. All right. This one's dated March 16 22nd, 2002.</p> <p>17 A. Correct.</p> <p>18 Q. All right. The first paragraph of 19 this article says, "A downcast Yasser Arafat 20 appeared on Palestinian TV last night and under 21 heavy American pressure read out, in Arabic, a</p>	<p style="text-align: right;">Page 426</p> <p>1 escalation and violence and start the 2 implementation of the Tenet understandings and 3 the Mitchell recommendations, to bring permanent 4 just peace, to end the occupation and guarantee a 5 better future for our children and their 6 children." Do you see that, sir?</p> <p>7 A. I do.</p> <p>8 Q. That's also a quote from President 9 Arafat that you did not include in your report, 10 right?</p> <p>11 A. Correct.</p> <p>12 Q. Are you familiar with someone called 13 Yasser Abed Rabo?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Yasser Abed Rabo?</p> <p>16 A. He's a senior PA and Fatah official 17 who held multiple different roles over the course 18 of his career.</p> <p>19 Q. You ever interviewed Mr. Abed Rabo?</p> <p>20 A. I may have. I don't recall.</p> <p>21 Q. In the fifth paragraph from the</p>

<p style="text-align: right;">Page 427</p> <p>1 bottom, the Haaretz reports, "Yasser Abed Rabo 2 said that, 'We cannot control everything. In 3 effect, the destruction and mourning caused by 4 the IDF operations in the last few weeks demands 5 of us deeper political work to convince the 6 military organizations to cease the attacks, not 7 only policing'." Do you see that, sir?</p> <p>8 A. I do.</p> <p>9 Q. And that's another quote from a 10 Palestinian that you did not put in your report, 11 right?</p> <p>12 A. Correct.</p> <p>13 Q. On Page 10 of your report, at Footnote 14 18, you cite to this IDF Military Intelligence 15 report that we've looked at earlier today. Could 16 you find that one again, sir?</p> <p>17 A. Find the report?</p> <p>18 Q. Yeah. It's the one entitled The Al 19 Aqsa Martyrs Brigade and the Fatah Organization 20 are One and the Same.</p> <p>21 A. You wouldn't happen to know what</p>	<p style="text-align: right;">Page 429</p> <p>1 A. I don't think so.</p> <p>2 Q. Look at Paragraph b, it says, "Hassan 3 Yousef, a senior Hamas activist in Ramallah, 4 suggested to Arafat [in irony?] to 'calm the 5 Fatah down' and stop its operations. Arafat [on 6 the background of his inconvenience due to the Al 7 Aqsa Martyrs Brigades attack] replies to Hassan 8 Yousef that the brigades are Fatah personnel who 9 seceded." Do you see that, sir?</p> <p>10 A. I do.</p> <p>11 Q. All right. The brackets have been 12 added by the Israeli author of the report, right?</p> <p>13 A. Right.</p> <p>14 Q. You did not quote the statement 15 contained in this document where President Arafat 16 said that the AAMB are Fatah personnel who 17 seceded, did you?</p> <p>18 A. Correct.</p> <p>19 Q. It also says that, "Later in the 20 document, it is noted that Arafat tried to prove 21 that the Jerusalem pedestrian mall attack was</p>
<p style="text-align: right;">Page 428</p> <p>1 exhibit number that is?</p> <p>2 Q. I do not.</p> <p>3 A. All right. We'll find it.</p> <p>4 Q. It is Exhibit 200, sir.</p> <p>5 A. You're one document ahead of me. All 6 right. 200.</p> <p>7 (Witness Pausing.)</p> <p>8 Q. Look, if you will, at Page 4 of 9 Exhibit 200, sir.</p> <p>10 A. Page 4?</p> <p>11 Q. Um-hum.</p> <p>12 A. Okay.</p> <p>13 Q. Paragraph 5 there refers to, "A 14 captured document concerned with a meeting of the 15 'National and Islamic Forces'." Do you see that, 16 sir?</p> <p>17 A. I do.</p> <p>18 Q. Have you ever looked at that document?</p> <p>19 A. Possibly.</p> <p>20 Q. Didn't cite that document in your 21 report, did you?</p>	<p style="text-align: right;">Page 430</p> <p>1 carried out by the PIJ and not the Al Aqsa 2 Martyrs Brigades [note: Also a lie]." Do you 3 see that?</p> <p>4 A. Yes.</p> <p>5 Q. And, again, the bracket indicating 6 that President Arafat was lying was added by the 7 Israeli author of the report?</p> <p>8 A. Yes.</p> <p>9 Q. And, in fact, the United States has 10 said that that particular attack was carried out 11 by the PIJ, right?</p> <p>12 A. I'm not sure. (Defendant's Deposition Exhibit Number 13 210 was marked for identification.)</p> <p>14 BY MR. HILL:</p> <p>15 Q. Dr. Levitt, I'm handing you what's 16 been marked as Exhibit Number 210. This is a 17 document called Patterns of Global Terrorism 18 2002. This is a document that you actually cite 19 in Footnote 13 in your report, right?</p> <p>20 A. Yes.</p>

<p style="text-align: right;">Page 431</p> <p>1 Q. Turn, if you would, to Page 85. On 2 Page 85, it says, "21 March, Israel, in 3 Jerusalem, a suicide bomber detonated the 4 explosive device he was wearing, killing three 5 persons and wounding 86, including two U.S. 6 citizens, according to U.S. Consulate and media 7 reporting. The Palestinian Islamic Jihad claimed 8 responsibility." Do you see that, sir?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any reason to doubt that 11 that was a PIJ attack?</p> <p>12 A. Plenty. I can't tell you who did it, 13 but in this period of time, multiple groups would 14 often claim the same attack. It was often very 15 difficult, just claimed on claims of 16 responsibility in a first instance, to know who 17 did it, so it's very common, in fact, for claims 18 to be later on found to be wrong.</p> <p>19 Q. Okay.</p> <p>20 A. So it's actually not the State 21 Department saying this was saying this was</p>	<p style="text-align: right;">Page 433</p> <p>1 terrorist attacks, wanted to seem tougher than 2 the next guy or what have you. Sometimes they 3 would carry out -- I'm sorry. Sometimes they 4 would issue competing claims because they didn't 5 realize -- they were plotting an attack and 6 didn't realize someone else was plotting an 7 attack the same day and, you know, the other 8 group succeeded before their guy got there and so 9 they really thought it was their guy and it 10 wasn't.</p> <p>11 There are lots of reasons why these 12 claims were issued, and it often took time to 13 figure out, for example, who the bomber was and 14 do the forensics and then go back and figure who 15 he belonged to or who dispatched.</p> <p>16 Q. The United States Government has 17 provided money to the PA over the years, right?</p> <p>18 A. Yes.</p> <p>19 Q. And the United States Government has 20 also given financial aid to Fatah, right?</p> <p>21 A. I don't know if that's true.</p>
<p style="text-align: right;">Page 432</p> <p>1 carried out by PIJ, but the State Department 2 saying that the PIJ claimed responsibility.</p> <p>3 Q. So the fact that somebody claims 4 responsibility doesn't mean that they did it, 5 right?</p> <p>6 A. On its own -- it may, but on its own, 7 there's often -- in this time there's a lot of 8 competing stuff going on. It says something 9 about the group if that's the type thing they 10 want to claim, whether or not they did it, right, 11 but that alone.</p> <p>12 Q. In fact, there were groups at the time 13 that claimed responsibility for things they 14 didn't do because they thought it enhanced their 15 credibility or their position in society, right?</p> <p>16 A. I don't know if that's the case.</p> <p>17 Q. But people were, for whatever reason, 18 making false claims of responsibility for 19 terrorist actions, right?</p> <p>20 A. There were multiple terrorist groups 21 that, for whatever reason, wanted to carry out</p>	<p style="text-align: right;">Page 434</p> <p>1 Q. Did they aid Fatah in the 2006 2 elections?</p> <p>3 A. I don't know.</p> <p>4 Q. The PA has never been designated by 5 the United States as a foreign terrorist 6 organization, right?</p> <p>7 A. So at one point the PA was kind of 8 banned under the Reagan Administration. I don't 9 think it was -- there was no --</p> <p>10 Q. The PA didn't exist in the Reagan 11 Administration, did it, sir?</p> <p>12 A. I'm sorry. Did you say PA?</p> <p>13 Q. Yes, sir.</p> <p>14 A. I'm sorry. I was talking about the 15 PLO.</p> <p>16 Q. Okay.</p> <p>17 A. So the PA was never banned.</p> <p>18 Q. It's never been designated as a 19 foreign terrorist organization?</p> <p>20 A. No.</p> <p>21 Q. And the PLO has never received the</p>

<p style="text-align: right;">Page 435</p> <p>1 State Department designation as a foreign 2 terrorist organization, right? 3 A. Not that title, no. 4 Q. And, in fact, the United States 5 Government has given money to the PA in recent 6 years, right? 7 A. Yes. 8 Q. Substantial amounts of money, right? 9 A. Yes. 10 Q. Millions and millions of dollars? 11 A. I don't know the number. 12 Q. And the U.S. Government also allows 13 the PLO to maintain offices in the District of 14 Columbia and New York, right? 15 A. Yes. They were shut down for a 16 period, but there was a little debate about it. 17 Q. You've also referenced the Canadian 18 Government's determinations about certain 19 terrorist groups in your report, right? 20 A. Can you put point me somewhere, 21 please?</p>	<p>1 A. Yes. 2 Q. You did not include the Canadian 3 Government's analysis of AAMB in your report, did 4 you, sir? 5 A. No. 6 Q. On Page 13 of your report, sir, you 7 have a quote from someone named Mahmoud Zahar, 8 M-A-H-M-O-U-D, Z-A-H-A-R? 9 A. In the last paragraph? 10 Q. Yes, sir. And it's Footnote 37 that 11 purports to quote Mr. Zahar? 12 A. Okay. Yep. 13 Q. And have you ever spoken with Mr. 14 Zahar? 15 A. No. 16 Q. And this particular article purports 17 to be quoting a speech he made. Did you listen 18 to the speech? 19 A. I don't recall. 20 Q. Was he speaking in a language you can 21 understand?</p>
<p style="text-align: right;">Page 436</p> <p>1 Q. Footnote 6 in your report, sir. 2 MR. HILL: Mark that. 3 (Defendant's Deposition Exhibit Number 4 211 was marked for identification.) 5 A. Yes. 6 BY MR. HILL: 7 Q. I've handed you what we've marked as 8 Exhibit 211. This is the Canadian list that you 9 refer to in Footnote 6 of your report on Page 9, 10 right? 11 A. Yes. 12 Q. All right. If you turn to Page 6 of 13 that report, sir, there's a reference to the 14 AAMB, right? 15 A. One second, please. Yes. 16 Q. And in that designation, the Canadian 17 Government states that the AAMB, "Consists of 18 loose cells of Palestinian militants loyal to, 19 but not under the direct control of, the 20 secular-nationalist Fatah party." Do you see 21 that, sir?</p>	<p>1 A. I don't recall if I listened to the 2 speech or not. If I did listen to it, it 3 probably would have been in Arabic and I would 4 have had it translated it, or received it in 5 translation. 6 (Defendant's Deposition Exhibit Number 7 212 was marked for identification.) 8 BY MR. HILL: 9 Q. And Mr. Zahar, who you're quoting 10 from, is someone who is associated with Hamas, 11 right? 12 A. Correct. 13 Q. And you have quoted him here on Page 14 13 in your report because you believe what he 15 said to be true, right? 16 A. Yes. 17 Q. Now, Mr. Zahar also said that 18 President Arafat had been assassinated. Do you 19 believe that to be true? 20 A. I'm sorry, where are you looking? 21 Q. Third paragraph from the bottom,</p>

<p style="text-align: right;">Page 439</p> <p>1 "Zahar claimed that Arafat's decision to 2 negotiate with Israel was one of the reasons that 3 led to his 'assassination'." Do you see that? 4 A. Yes. 5 Q. So do you believe Mr. Zahar when he 6 says that Arafat was assassinated? 7 A. I believe that Mr. Zahar probably 8 thinks Arafat was assassinated. He wouldn't be 9 the only Palestinian to believe that. 10 Q. So you did not put Mr. Zahar's claim 11 about President Arafat's assassination in your 12 report, right? 13 A. No. 14 Q. Now, what was the relationship between 15 Hamas and the PA at the time these statements 16 were made in 2010? 17 A. By 2010, Hamas is in control of the 18 Gaza Strip, Fatah is in control of the West Bank, 19 and they are none too pleased with one another. 20 Q. So would you agree with me that Mr. 21 Zahar had a motive to speak incorrectly about</p>	<p style="text-align: right;">Page 441</p> <p>1 PA was in cahoots with Hamas, right? 2 A. Well, I don't see him saying that 3 here, so I don't have the context -- no, 4 actually, at one point he does towards the 5 bottom. He urges PA President Abbas to pull out 6 immediately from the talks with Israel. 7 Q. So his statement could be designed to 8 torpedo the talks between the PA and Israel, 9 right? 10 A. Right. It doesn't mean that it's 11 inaccurate. He's saying, "Look, even your 12 successor was involved in real resistance," as he 13 would put it. "Don't cop out to negotiations." 14 Q. So you agree that he might have had a 15 motive to speak untruthfully on this occasion? 16 A. No, I didn't say that. I don't think 17 he has motive to speak untruthfully. He probably 18 feels it's an opportunity to tell what happened 19 from his perspective and, thereby, put pressure. 20 What he has a motive of is to put pressure on Abu 21 Mazen.</p>
<p style="text-align: right;">Page 440</p> <p>1 President Arafat's actions during the second 2 Intifada? 3 A. If he did, this would not have been 4 the way he would have done it. To a senior Hamas 5 official, this is singing praise of Arafat. If 6 he had wanted to speak ill of him, he would have 7 said that -- something along the lines of, "Well, 8 while we were sacrificing our sons for the cause 9 of liberation, Arafat was sitting comfy and not." 10 From a Hamas perspective, this would not be. 11 Q. Well, this was at a time the successor 12 to President Arafat, President Abbas, was trying 13 to restart peace talks with Israel, right? 14 A. I don't remember the exact dates, but 15 that's constantly been going on. 16 Q. And Hamas is opposed to peace talks 17 with Israel, right? 18 A. Correct. 19 Q. These statements could be taken to 20 undermine the efforts of the PA to start peace 21 talks by suggesting that the former leader of the</p>	<p style="text-align: right;">Page 442</p> <p>1 Q. And you agree that making this 2 statement put pressure on Abu Mazen? 3 A. No, I don't. I think that he thought 4 it might have. I think it probably backfired. 5 Q. In what way? 6 A. In that there was no way that Abu 7 Mazen was going to support violence. Abu Mazen 8 has come out very, very vocally many, many times 9 condemning the violence that happened during the 10 second Intifada and pledging to keep that very 11 far away from the Palestinian Authority. 12 He's one of the first people to 13 support the idea of creating a new Palestinian 14 security service of vetted people who were not 15 involved in the fighting in the second Intifada, 16 because so many of them were, even though those 17 people who were trained by the U.S. under the 18 Dayton Mission were also vetted by the Israelis. 19 So I think that Abbas has demonstrated 20 his commitment to try and push the negotiation 21 process forward for a two-state solution. I</p>

<p style="text-align: right;">Page 443</p> <p>1 think there was no chance that because Hamas kind 2 of, you know, waves its fist in the air, that Abu 3 Mazen was going to be pressured to do the same.</p> <p>4 Q. On Page 14 of your report, you 5 reference some cases of PA involvement in 6 terrorist activity involving senior officials, 7 and you say, "For example, there is evidence that 8 Arafat approved funding for Palestinian 9 terrorists, including a June 2002 payment of 10 \$20,000 to the Al Aqsa Martyrs Brigades just as 11 the group claimed responsibility for a suicide 12 bombing in Jerusalem." Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. And in Footnote 38, which is the 15 citation for the sentence I just read, you 16 reference a New York Times article, right?</p> <p>17 A. Correct.</p> <p>18 MR. HILL: Mark this.</p> <p>19 (Defendant's Deposition Exhibit Number 20 213 was marked for identification.)</p> <p>21 BY MR. HILL:</p>	<p style="text-align: right;">Page 445</p> <p>1 A. Yes. 2 Q. And that's what you're referring to in 3 your report, right? 4 A. Yes. 5 Q. Look at the next page, Page 3. It 6 says, "The report, a senior official in 7 Washington said today, was delivered by Israeli 8 officials to the National Security Counsel, and 9 the Central Intelligence Agency did not have much 10 time to examine the information." 11 So the report that you're referring to 12 here, the evidence of the \$20,000, is an Israeli 13 intelligence report, right? 14 A. According to this. 15 Q. And have you ever seen that Israeli 16 intelligence report? 17 A. No. 18 Q. Have you ever spoken to anyone who has 19 seen that report? 20 A. Not to my knowledge. 21 Q. Do you have any idea what the content</p>
<p style="text-align: right;">Page 444</p> <p>1 Q. Dr. Levitt, we've handed you Exhibit 2 213. That is The New York Times article that you 3 cite in Footnote 38 of your report, is that 4 correct?</p> <p>5 A. Yes. An article, Bush Says 6 Palestinians Will Lose Aid if They Keep Arafat.</p> <p>7 By the way, the printout here has some 8 strange typographic errors. Every once in awhile 9 it randomly prints out the number sign and a 10 bunch of digits, and it appears to be instead of 11 some word, FYI.</p> <p>12 Q. Hopefully that won't affect the 13 relevant portion. Look at the bottom of the 14 second page. The second paragraph from the 15 bottom says, "The senior administration official 16 who briefed reporters today confirmed that the 17 President had received an intelligence report 18 that Mr. Arafat had approved a \$20,000 payment to 19 members of Al Aqsa Martyrs Brigades, a 20 Palestinian terror organization." Do you see 21 that, sir?</p>	<p style="text-align: right;">Page 446</p> <p>1 of that report is other than what some senior 2 official in Washington told The New York Times? 3 A. No. 4 Q. Have you done anything to verify the 5 assertion that President Arafat authorized a 6 \$20,000 payment to the AAMB other than read The 7 New York Times? 8 A. Not this particular payment, no. 9 Q. On Page 17, the second paragraph -- 10 hold on a second. 11 In the third paragraph, the third 12 sentence says, "In December 2001, Arafat would 13 order the closure of Hamas and PIJ offices yet he 14 rescinded the order days later." Do you see 15 that? 16 A. Yes. 17 Q. And for that proposition, you cite an 18 article, or maybe two articles, in Footnote 59, 19 right? 20 A. Correct. 21 (Defendant's Deposition Exhibit</p>

<p>1 Numbers 214 and 215 were marked for 2 identification.) 3 BY MR. HILL: 4 Q. These are the two newspaper articles 5 that you cite in Exhibit 59, right? 6 A. Yes. 7 Q. But neither of these actually says 8 that the order was rescinded, does it? 9 A. I don't know. Let's have a look and 10 see. 11 (Witness Reviews Document.) 12 A. No, not in these. 13 Q. Later on that same page, in the third 14 paragraph, you say, "That same month, the 15 official Palestinian news agency WAFA reported 16 that the PA leadership had declared a state of 17 emergency which stipulated that 'only security 18 personnel and other licensed persons are allowed 19 to carry any sort of weapon.' Despite this 20 declaration, and its relevant Oslo commitments, 21 Arafat again disappointed as the PA did not</p>	<p>Page 447</p> <p>1 part of that statement. 2 Q. Okay. So there is no document cited 3 for the second part of the statement, right? 4 A. No. 5 MR. HILL: Why don't we take a break. 6 I'm probably close to out of time, but let me 7 consult with my colleagues and see what my maybe 8 last question is. 9 MR. HORTON: Sure. 10 (Brief Recess.) 11 MR. HILL: Dr. Levitt, I don't have 12 any further questions for you at this time. 13 THE WITNESS: It's been a pleasure. 14 THE REPORTER: Reading and signing, 15 counsel? 16 MR. HORTON: Yes. 17 THE REPORTER: And copy of the 18 deposition? 19 MR. HORTON: Please. 20 (Reading and signing requested.) 21 (Deposition concluded at 3:29 p.m.)</p> <p>Page 449</p>
<p>1 immediately begin the systematic confiscation of 2 the thousands of illegal weapons in the hands of 3 Hamas, PIJ, PFLP, PRC, and Fatah-associated 4 groups such as the Al Aqsa Martyrs Brigade." And 5 then you cite for that proposition Footnote 60, 6 right? 7 A. Correct. 8 MR. HILL: Let's mark this. 9 (Defendant's Deposition Exhibit Number 10 216 was marked for identification.) 11 BY MR. HILL: 12 Q. Dr. Levitt, we've handed you what 13 we've marked as Exhibit Number 216. This is the 14 document that you cite in Footnote 60, right? 15 A. Correct. 16 Q. And you would agree with me that this 17 document does not say that Arafat did not 18 immediately begin the systematic confiscation of 19 the thousands of illegal weapons? 20 (Witness Reviews Document.) 21 A. No, this is the citation for the first</p>	<p>Page 448</p> <p>1 CERTIFICATE OF CERTIFIED COURT REPORTER 2 I, CHERYL JEFFERIES, a Certified Court 3 Reporter, do hereby certify that the within-named 4 witness personally appeared before me at the time 5 and place herein set out, and after having been 6 duly sworn by me, according to law, was examined 7 by counsel. 8 I further certify that the examination 9 was recorded stenographically by me and this 10 transcript is a true record of the proceedings. 11 I further certify that I am not of 12 counsel to any of the parties, nor in any way 13 interested in the outcome of this action. 14 As witness my hand this 30th day of 15 September, 2013. 16 17 ----- 18 Cheryl Jefferies 19 Certified Court Reporter 20 21</p> <p>Page 450</p>

<p>1 DATE SENT: September 30, 2013 2 ERRATA SHEET 3 DEPOSITION OF: Dr. Matthew Levitt - Volume II 4 DATE: September 25, 2013 5 CASE: Mark Sokolow, et al vs. The Palestine Liberation Org, et al</p> <p>6 INSTRUCTIONS:</p> <p>7 1. Please read the transcript of your deposition and make note of any corrections or changes on this Errata Sheet.</p> <p>9 2. Indicate below general reason for change, such as: A. To correct stenographic error. B. To clarify record. C. To conform to the facts.</p> <p>13 3. Sign the Certificate of Deponent page.</p> <p>14 4. Within 30 days of the Date Sent, return this Errata Sheet, and signed Certificate of Deponent, to the Attorneys listed on the Appearance page.</p> <p>16 PAGE # LINE # CORRECTION REASON</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p>	<p>Page 451</p> <p>1 CERTIFICATE OF DEPONENT 2 I hereby certify that I have read and 3 examined the foregoing transcript and: 4 (Check one of the following) 5 () The same is a true and accurate 6 record of the testimony given by me, and I have 7 made no corrections to this transcript. 8 -OR- 9 () Any additions or corrections 10 that I feel are necessary, I have listed on the 11 attached Errata Sheet. 12 As witness my hand and signature this 13 _____ day of _____. 14 15 ----- 16 DR. MATTHEW LEVITT 17 18 19 20 21</p>
<p>1 ERRATA SHEET 2 DEPOSITION OF DR. MATTHEW LEVITT - VOLUME II 3 PAGE # LINE # CORRECTION REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p>	<p>Page 452</p>